

Also, petition of citizens of Farmington and Albuquerque, N. Mex., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of people of Santa Fe, en masse, protesting against passage of bill establishing a leper colony in New Mexico, Indian, or any other Territory—to the Committee on the Territories.

By Mr. RYAN: Petition of the Exempt Volunteer Firemen's Association, of Buffalo, against the Morrell bill—to the Committee on the Judiciary.

Also, petition of the Western New York Horticultural Association, for extermination of the gypsy moth—to the Committee on Agriculture.

Also, petition of the Firemen's Benevolent Association of Buffalo, N. Y., against the Morrill bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of citizens of Wilburton, Ind. T., asking for creation of a United States district court at Wilburton, Ind. T.—to the Committee on the Territories.

By Mr. STEVENS of Minnesota: Petition of E. W. Winter Subdivision, No. 516, Brotherhood of Locomotive Engineers, against engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Paul Subdivision, No. 150, Brotherhood of Locomotive Engineers, against engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Petition of citizens of McHenry County and Valley City, N. Dak., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Red River Valley Subdivision, No. 470, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Manufacturing Perfumers' Association, favoring bill H. R. 15983—to the Committee on the Post-Office and Post-Roads.

By Mr. WILEY of Alabama: Petition of citizens of Baldwin County, Ala., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of citizens of the Twelfth Congressional district of Michigan, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

SENATE.

WEDNESDAY, March 1, 1905.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

PHILIPPINE TARIFF BILL.

Mr. LODGE. I ask unanimous consent to call up at this time and dispose of the bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes. The bill has been read; there is only one amendment from the committee, and there is no opposition to it.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Philippine tariff bill be considered now. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending question is on the amendment reported from the Committee on the Philippines, which will be stated.

The SECRETARY. On page 43, line 20, after the word "drug," strike out:

But no license system shall be established with a view to the derivation of revenue from the traffic in said drug and no license fees or taxes, except duties on imports, shall in any event be higher than deemed necessary to cover the expenses of administration of any legislation licensing the traffic in said drug.

And insert:

And provided further, That after March 1, 1908, it shall be unlawful to import into the Philippine Islands opium, in whatever form, except by the Government and for medicinal purposes only, and at no time shall it be lawful to sell opium to any native of the Philippine Islands except for medicinal purposes.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President, I do not think that I will allow this opportunity to pass without attempting, at least,

to rectify what I consider to be a great wrong perpetrated by the Treasury Department with respect to the tariff upon wheat. We have before this body a revenue measure sent here by the House of Representatives. No one will claim that this bill could have originated in the Senate. If it had been originated here and had been sent to the House the House would have sent it back with a resolution demanding that their constitutional prerogatives should be preserved. I propose the following amendment to the bill.

The PRESIDENT pro tempore. The amendment of the Senator from North Dakota will be stated.

Mr. HANSBROUGH. I hope the Senator from Massachusetts will see his way clear to accept it.

The SECRETARY. Add to the bill the following:

That the decision of the Secretary of the Treasury dated February 4, 1905, and numbered 26025, under which the payment of rebates is authorized upon exportations of flour made in part from imported wheat, upon which duties have been paid, and in part from domestic wheat, under the provisions of section 30 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," is hereby revoked.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. HANSBROUGH. I desire to take the sense of the Senate in regard to the amendment.

Mr. LODGE. The committee agreed that no amendment besides the one reported should be placed on this bill, and the amendment offered by the Senator from North Dakota has no relation to the bill. This is a Commission bill, drawn up by the Commission of the Philippine Islands. It has been most carefully considered, and it is a bill of immense importance. It can not go into effect without the approval of Congress. I shall be very sorry to see anything placed in the bill that would endanger its passage. I have no opposition to the Senator's amendment, as he knows.

The PRESIDENT pro tempore. Does the Senator from North Dakota demand the yeas and nays?

Mr. HANSBROUGH. Mr. President, just a word. I do not agree to the claim made by the Senator from Massachusetts that because the committee determined that no amendment should go on the bill the Senate is not allowed to amend the bill. I do not think that this amendment is going to interfere in the least particle with the passage of the bill. Certainly the amendment is in order. The Senate has passed upon this question by a unanimous vote and put a similar amendment upon an appropriation bill, the history of which we all understand. I think the best way out of it is to allow the amendment to go on the bill.

The PRESIDENT pro tempore. The amendment is rejected.

Mr. HANSBROUGH. I should like to have the yeas and nays on agreeing to the amendment.

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The yeas and nays are refused, and amendment is rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. LODGE. I ask leave to print in the RECORD the statement of the Secretary of War in regard to the bill which has just been passed.

The PRESIDENT pro tempore. Without objection, leave is granted.

The matter referred to is as follows:

STATEMENT OF HON. WILLIAM H. TAFT, SECRETARY OF WAR.

The CHAIRMAN. I suggest, Mr. Secretary, that it might be well to make a brief statement to the committee as to what this bill is.

Secretary TAFT. The bill makes comparatively very few changes in the rates. The legislation recommended is necessary for two reasons chiefly: First, to enable us to handle the opium business and its importation. Under the present law opium can come into the islands upon the payment of \$3 a kilo, and there is no power in the Commission to forbid its importation, because there is no power in the Commission to change the customs laws; and they authorize the importation of opium at \$3 a kilo.

Senator STONE. How much is it now?

Secretary TAFT. Three dollars a kilo.

Senator STONE. At this time?

Secretary TAFT. At this time. The present bill increase the duty to \$4, and then gives to the Commission the right to forbid its importation, and monopolize its importation, or to take any steps with respect to its importation which shall suppress the evils of the drug.

About a year ago, or a year and a half ago, the Commission became convinced that it was necessary to take some steps to secure the restriction of the use of opium. Under the Spanish régime the law provided that no Filipino should use opium, and that any Filipino found using opium, or any person selling opium to a Filipino, should be punished. It provided, however, for what was called farming a

monopoly for the sale of opium to Chinamen, and that brought in a considerable revenue. When the United States came to the islands—

Senator PROCTOR. Was that law enforced to prevent the Filipinos from using it?

Secretary TAFT. Yes.

Senator PROCTOR. The Filipinos did not use it?

Secretary TAFT. No, sir. They were forbidden to use it. The Spanish system contemplated a number of opium dives—opium parlors, for smoking—which were licensed.

Senator PROCTOR. They were for the Chinese?

Secretary TAFT. Yes, sir; and any Filipino found there was arrested, and the keeper of the house was arrested. In that way there seems to have been a very successful restriction of the use of opium among the Filipinos. That law ceased to be; ceased to be enforced, certainly, and ceased to be in force, I judge from the result, though I never followed its history after the Americans came to the islands.

The Commission became convinced that there was great danger of the spreading of the use of opium among the Filipinos unless something was done to restrict it. So we assigned the drafting of a law to Professor Moses, who was succeeded by Judge Smith of the Commission, and Judge Smith prepared the law, which was quite like the Spanish law, except that it did not provide for dives or saloons, and forbade the sale of opium to be smoked on the premises, and permitted only the use of opium by Chinamen, forbidding its use by Filipinos. It provided also for the sale from year to year of the monopoly of the sale of opium to Chinamen. That brought out great opposition, and we had a very heated discussion, in which the ministers, Protestant members in the Philippines and in Manila, took a very decided position; and the bill was so opposed that the Commission concluded that, rather than make a mistake, it ought to appoint a commission to be sent to all the opium-using countries for the purpose of determining what was the best system.

Accordingly a commission was appointed, which consisted of the chief health officer of the islands, Colonel Carter, of the United States Army; Doctor Alber, a Filipino physician of prominence in Manila, and the Rt. Rev. Charles H. Brent, Protestant Episcopal bishop of the Philippines, who had been quite prominent in his opposition to the bill as proposed by the Commission, and the matter was postponed until that report could be made. That commission visited Hongkong, Shanghai, French China, Saigon, Cochin China, Japan, Formosa, Batavia, and the Dutch East Indies, Singapore, the Straits Settlements, and Burma, and then had the privilege of what, possibly, some members of the committee have seen—the Royal commission's report on the use of opium in India.

I am inclined to think there never has been a more thorough investigation on the ground than this commission made of it; and they have made a recommendation in which they reach the conclusion that the best system is the one pursued in Formosa. It appears that in Japan the Japanese people are so very much opposed to the use of the drug that the prohibition of its use is effective, though there are Chinamen there, and the prohibition is so effective that Chinamen who are addicted to the use of the drug leave the islands.

The Commission concluded that it would not be wise, in view of the fact that the Chinamen in the islands now are using the drug, to put into force at once a prohibition, but they recommended that there be a government monopoly for three years, the importation to be limited to the government only, and that the sale by government officials be limited to those who should register as addicted to the vice, with a notice that at the end of three years there should be absolute prohibition of importation except by the government, and then only for medicinal purposes. The Commission thought, however, that three years was necessary, and that the three years might have the effect of leading those who are addicted to the use of the drug to give it up, on the one hand, or, if not, to drive them out of the islands, because it so affects their comfort that the difficulty in getting the drug is the real reason for their leaving the places where the prohibition exists.

The Commission concurs in the value of the report, and are willing to agree to it, but they rather think the more effective system would be a high license rather than a government monopoly for the three years; and what I am anxious to secure is option to the Commission during the three years to pursue such policy as they may think best, best adapted to bringing the islands round to the system of absolute prohibition.

Senator PROCTOR. There is nothing here in the bill about three years, is there?

The CHAIRMAN. No; that House provision, it seems to me, is curiously ineffective there.

Secretary TAFT. But I propose instead of the House provision—

Senator LONG. That is, the House provision in the bill now?

Secretary TAFT. Yes.

The CHAIRMAN. On page 43. It puts no limit on it at all.

Secretary TAFT. The provision relates to the sale and use of the drug, and is to the effect that the Commission shall have power to prohibit absolutely the importation or sale of opium, or to limit or restrict its importation and sale, or adopt such other measures as may be required for the suppression of the evils resulting from the sale and use of the drug.

Senator LONG. Just go ahead, Mr. Secretary. You were going to strike out part of it?

Secretary TAFT. Yes; I will read the provision again, as it now is in the bill:

"Provided, however, That the Philippine Commission or any subsequent Philippine legislation shall have the power to enact legislation to prohibit absolutely the importation or sale of opium or to limit or restrict its importation and sale, or adopt such other measures as may be required for the suppression of the evils resulting from the sale and use of the drug."

That I would leave in.

Then I would strike out what follows, which was introduced by amendment in the House. That which follows is this:

"But no license system shall be established with a view to the derivation or revenue from the traffic in said drug, and no license fees or taxes, except duties on imports, shall in any event be higher than deemed necessary to cover the expenses of administration of any legislation licensing the traffic in said drug."

The CHAIRMAN. That is a perfectly contradictory clause.

Secretary TAFT. What I would substitute there is: "And provided further, That after March 1, 1908, it shall be unlawful to import into the Philippine Islands opium in whatever form, except by the government, and for medicinal purposes only."

In other words, I think it wise for Congress to take the position that after three years the matter shall be taken out of the hands of the Commission, and not leave it as a temptation to them at all; that after

three years the importation of opium shall be absolutely prohibited. In the meantime, however, during the three years it is necessary to the preparation of this system, I think that the Commission should be given some discretion.

The CHAIRMAN. That is a contradictory phrase anyway. They say: "No license system shall be established with a view to the derivation of revenue from the traffic in said drug and no license fees or taxes, except duties on imports, shall in any event be higher" (that is, that there are to be certain license fees and taxes) "than deemed necessary to cover the expenses of administration of any legislation licensing the traffic in said drug." First they forbid the establishment of any license system and then they make arrangements for licensing in the particular stated. It is directly contradictory.

Senator DIETRICH. I understand, Mr. Secretary, that you ask that the Government alone shall have the right to import the drug.

Secretary TAFT. Finally.

The CHAIRMAN. Finally.

Secretary TAFT. After three years.

Senator DIETRICH. But not now?

Secretary TAFT. I would leave that to the Commission, whether they follow out exactly the recommendations of this opium commission or whether they put on a high license instead of a monopoly. Personally, I think a high license will be much more effective, and personally I do not see the slightest reason why we should not have such income as may come from a high license. If we are going to sell to people who are addicted to the drug at all, there is no reason why we should not make such money out of it as the traffic will stand.

Senator DIETRICH. You could do that if you had a monopoly of importation.

Secretary TAFT. With a Government monopoly, yes; but more effectively with a high license, because I think a high license furnishes a policeman in every licensee.

Senator DIETRICH. You would not be prevented from doing that if you had a monopoly of importing the drug and sold the drug to those who had a license.

Secretary TAFT. No; but this limitation here, I think, is a limitation that is hardly justified. It is a limitation that is very hard to comply with in the first place. You have to calculate in advance what your cost is going to be and see whether the money you make out of it is enough to pay expenses; and you can not tell that.

Senator PROCTOR. This bill does not say anything about it. What is the Commission going to do? The bill says they have a right to enact legislation, but it is left entirely in their discretion.

Secretary TAFT. For the three years. What I would introduce there is this:

"Provided further, That after March 1, 1908, it shall be unlawful to import into the Philippine Islands opium in whatever form, except by the Government for medicinal purposes only."

Senator MCCOMAS. Its importation in any form whatever after that time would be prohibited; and until then it would be entirely in the discretion of the Commission?

Secretary TAFT. Yes, sir.

Senator LONG. What have you to say, Mr. Secretary, in regard to a provision like this, to be added to the House bill:

"Provided further, That opium shall be sold only on specific prescription of a regular physician, except that Chinese above 21 years of age, who are certified by a regular physician to be confirmed "opium sots" and are so registered by themselves, may have certain limited doses of the drug at specified times and places during three years only from the date of the approval of this act, after which the importation and sale of opium except for medicinal purposes is hereby prohibited."

Secretary TAFT. Well, I think the Commission will doubtless adopt some such form as that; but just exactly what form ought to be adopted, they are much better able to tell on the ground than we are here.

Senator LONG. You would leave it to the Commission to determine that?

Secretary TAFT. For the three years. Then I would stop it finally. But what I am anxious to try to secure for the Commission is discretion for three years in dealing with the matter.

Senator LONG. You would think, then, that this would not be a wise provision to insert?

Secretary TAFT. I think it is too restrictive. It limits the discretion of the Commission too much.

Senator STONE. There is one point I do not quite understand. You desire and all of us desire to suppress the evil of opium using.

Secretary TAFT. Yes, sir.

Senator STONE. It was suppressed, as far as the Filipinos were concerned, under the Spanish rule?

Secretary TAFT. Yes.

Senator STONE. Now, this three-year clause, as I understand it, is to be inserted chiefly to oblige Chinamen who are addicted to the use of the drug?

Secretary TAFT. To shut off Chinamen.

Senator STONE. Do you think it wise to adopt a policy for the mere sake of revenue—by a high-license tariff, or in any other way—to gratify the vicious habits of a few Chinamen who are addicted to the use of this drug?

Secretary TAFT. I only rely, in that respect, on the opinion of the commission that went away and investigated the subject thoroughly, the chief member of which is Bishop Brent, who is strongly in favor of absolute prohibition. They tried the system in Formosa—this regulative and partially prohibitive system—for three years, with a view of reducing it, and they found that they had—

Senator STONE. It is not permitted, as I understand, in Formosa, except for medicinal purposes.

Secretary TAFT. Yes; it was permitted for three or four years, on just such a list of men addicted to the opium habit as is here proposed. If you will look into the history of the laws as set forth there, you will find that they are following a gradual and more prohibitive system, as they did in Formosa. That is my understanding of it.

Senator LONG. I will say, Mr. Secretary, that the amendment that I suggested to you was proposed in a letter to me from Mr. Crafts.

(After an informal colloquy):

Secretary TAFT. In my judgment, the provision I have been urging was largely framed on the recommendation of the opium commission itself. Those gentlemen are men of very high character, who looked into the subject thoroughly. Bishop Brent, as I have stated, is strongly in favor of absolute prohibition; and he has had a conversation with Crafts, in which, as far as ecclesiastical gentlemen can come to an issue, they did come to an issue which was certainly—abrupt. [Laughter.]

Senator LONG. Do you mean to say that the bishop and yourself also have taken issue with Mr. Crafts on this proposition?

Secretary TAFT. Yes, sir; exactly.

Senator STONE. As I understand, the opium users are confined to Chinamen?

Secretary TAFT. Yes, sir.

Senator STONE. I suppose they are.

Secretary TAFT. There may be a few Filipinos, but they are practically all Chinamen.

The CHAIRMAN. The bill, as it comes from the House, puts no limit of time at all for the coming of absolute prohibition?

Secretary TAFT. None at all. It imposes no limitation at all.

The CHAIRMAN. They may do it in one year, or they may let it run indefinitely?

Secretary TAFT. Yes, sir.

Senator PROCTOR. In three years there must be absolute prohibition?

Secretary TAFT. If we adopt this provision, yes.

The CHAIRMAN. Which I believe is the sound thing to do; to give them three years to get the system in thorough operation and repress the practice and get things in order and find out who the opium eaters are, and then to stop it absolutely.

Senator PROCTOR. The Commission would have the power to stop it in one year, if they chose?

Secretary TAFT. Yes. There is a temptation—and there is no use denying it—when you are running a government, and running pretty close in the matter of expenditures, to continue a system which brings in revenue. Now then, if you take the matter away from the Commission at the end of the three years, as recommended here by the opium commission (which had no purpose to continue revenue at all), you eliminate all temptation and you give that period of three years for the preparation for a complete prohibition.

The opium business has permeated and corrupted all the oriental governments, English, Dutch, and French, that have had to do with it. There is no doubt about that. They have grown to become more and more dependent on the revenues from opium, so that now they use all sorts of arguments that have no foundation at all to justify the government not only in continuing this system, but in rather encouraging its use. The income from opium in Hongkong and Shanghai and Singapore has increased by leaps and bounds because of the encouragement of its use among Chinamen and others.

I deem it important, even though this is a restriction on the War Department and on the Commission, that they should be restricted by something that can not give them the power to continue this system after a certain time. I do think, however, that within the three years the Commission ought to have the discretion to gradually approach the point of absolute prohibition.

Senator PROCTOR. The Philippine people would be subject to this habit, would they, readily?

Secretary TAFT. Yes, sir; I am sorry to say that it is a habit that the Malay is not disinclined to.

Senator PROCTOR. How is it that the Japs are free from it?

Secretary TAFT. It is very curious. They have no tendency toward it, and it is abhorrent to them. They are the only people I know of that have such a feeling.

Senator LONG. There is a tendency among the Filipinos toward its use?

Secretary TAFT. Yes, sir; more distinctly among the Moros.

Senator STONE. Even under the high-license plan it would be possible for the Filipinos to obtain opium, would it not?

Secretary TAFT. There would be given power to sell only to those addicted to the use of the drug.

Senator STONE. And those who are registered?

Secretary TAFT. Yes; and I could pledge that that is what the Commission is going to do. They agree to everything that the committee recommends except that they want to substitute for government monopoly, high license. The sale to registered opium users, however, is a feature of both propositions.

Senator STONE. Let me ask you if my understanding is correct, Mr. Secretary. Tell me whether, under the high-license system, Filipinos would be registered as addicted to the vice and could purchase the drug?

Secretary TAFT. Yes, sir; they would. Of course, that depends upon the form of the law. Our law, which we proposed, and which was so much opposed, forbade the use of opium by Filipinos altogether.

Senator STONE. Yes.

Secretary TAFT. But I suppose under this system they might allow Filipinos themselves to register as addicted to opium using, if they chose to do so. The Filipino regards it now as a disgraceful habit, and it would act as a very great deterrent for them to have to register.

Senator STONE. May I ask you right there, what a person has to do in order to be registered?

Secretary TAFT. It depends on what the law is. Of course there is no law now framed. The law recommended here—

Senator STONE. I mean a man could not go and register, on his own motion, for the mere sake of being registered, so that he could get opium?

Secretary TAFT. He would have to have a certificate that he had become addicted to the use of the drug.

The CHAIRMAN. About completing this amendment; how would it do to add this: "And provided further, That after March 1, 1908, it shall be unlawful to import into the Philippine Islands opium, in whatever form, except by the government and for medicinal purposes only; and it shall be unlawful at any time to sell opium for other than medicinal purposes to the natives of the islands?"

Secretary TAFT. Well, I have no objection to that. It deals with them a little more strictly than with the Chinamen who are addicted to the drug.

The CHAIRMAN. I know; but they are the people we want to protect.

Secretary TAFT. Yes.

Senator MCOMAS. I wish to ask a question upon that matter. Do you not anticipate enormous and systematic smuggling of opium on account of the race habit, in spite of an absolute prohibition in the tariff law?

Secretary TAFT. That there will be some smuggling of opium one must admit, because opium is so easily smuggled, and the pressure for it is so great that if there were no other means of getting it people who are addicted to it would pay high prices, justifying the running of risks; and so, I suppose, we may anticipate some smuggling. But the customs laws are enforced with considerable rigor.

Senator DIETRICH. Right there, Mr. Secretary, do you not believe that the best law would be to have no one but the government import any opium? Then everybody would know when anyone had opium to sell—

The CHAIRMAN. That is what this proviso covers. It limits it to the government.

Senator DIETRICH. And then let the government issue a license authorizing its sale to those that have certificates, we will say.

Secretary TAFT. I have no objection to that amendment which you referred to, Mr. Chairman.

The CHAIRMAN. Very well. We can fix that. Now, what else is there that is important in the bill?

Senator CULBERSON. The Secretary announced at the beginning that there were two broad and important reasons for the passage of this bill. He has stated one—the opium business.

Secretary TAFT. The other one is the reduction on the cost of the duties on machinery. That has been reduced in the present bill to 5 per cent ad valorem. It was previously a specific duty. I think the duty in many cases ran up to 25 and 30 and 40 per cent, because it is so difficult to regulate a specific duty, whereas this now is a reduction on all agricultural machinery and apparatus, etc.

The CHAIRMAN. On "agricultural machinery and apparatus, machinery and apparatus for pile driving, dredging, hoisting, and making or repairing roads, for refrigerating and ice making, sawmill machinery, etc." That covers your view on one item, Senator DIETRICH, as to machinery for preparing hemp for the market.

Secretary TAFT. I think I might read two pages here that would, perhaps, elucidate the whole tariff question:

"While the former tariff had 40 paragraphs with minimum ad valorem provisos and 13 paragraphs which were strictly ad valorem, the revision has 71 paragraphs with a minimum ad valorem proviso and 42 paragraphs that are strictly ad valorem, so that out of 366 paragraphs of the dutiable list 113 are on an ad valorem basis, or have attached thereto a minimum ad valorem proviso, making about one-third of the paragraphs ad valorem, and for this reason section 22, requiring consular certificates or the equivalent therefor for goods sent from the United States, has been incorporated in the present revision.

"While a number of changes have been made in the language of the different paragraphs for the purpose of giving a more exact description, and thus aiding in the classification of goods for the assessment of duties, there are but few instances where radical changes of rates have been made.

"Without taking the time of the committee by calling attention to the minor changes, the more important modifications will be noted.

"The first change worthy of note is in paragraph 15 (p. 14), where a decided reduction has been made in mirrors, the old rate having been found to be excessive.

"In porcelain (paragraph 21, p. 15) a reduction has also been made and letter (C) added to let in common porcelain at a low rate of duty without being subject to the ad valorem proviso of 60 per cent."

This is really for revenue, because the porcelain duty was so high as to keep it out, and the Filipinos like porcelain, as they do the next item, which is silverware. [Continuing reading:]

"Letter (A) of paragraph 28 (p. 16), silverware, has been reduced from \$3 to \$1, the former rate having been found to be practically prohibitive.

"An increase of rate will be noticed in paragraph 44 (p. 17), recommended by the Philippine Commission, wire gauze."

That was thought not to be in accord with some other kindred importations. [Continuing reading:]

"Paragraph 80 (p. 20) is the opium schedule and is modified to correspond with recommendations made by the opium commission appointed by the Philippine Commission.

"The rates in paragraph 192 (p. 34) have been increased, though still quite low, to make the tariff rate equal to the timber tax on like lumber cut in the islands."

We have a timber tax which is really a stumpage tax on Government land for the cutting of timber under Congressional authority. It was found that the duty on timber coming into the islands was less than the stumpage tax, and it did not seem fair to the encouragement of the timber tax in the island. In other words, we wanted to put them on a level, and so we did, and this increase is for that purpose. I do not mean to say that that is not important, because it is. It affects very largely the development of the timber industry. [Continuing reading:]

"The rates in paragraphs 195, 196, 197, and 198 have been reduced one-half, the former rates having been found to be excessive.

"The shoe schedules, paragraphs 221 to 227, inclusive (p. 36), have been recast for better classification, but with no increase, except in 222 and 224, where patent-leather foot wear is called to pay 5 cents more per pair in certain sizes, while other sizes have been reduced.

"The next important change is in the machinery group, paragraphs 243 to 257 (pp. 38 and 39), where specific rates have been given way to ad valorem rates, and these are low, being for the most part but 5 per cent."

Another important item which I did not mention was the rice schedule. [Continuing reading:]

"The rice schedule, paragraph 276 (p. 40), has been at the request of the Commission changed to suit local conditions and authority to modify same is granted to the Commission."

There has been no change in the present tariff up to May 1, with the privilege of the Commission to continue the present tariff as long as local conditions permit; but it has been hoped that by increasing the tariff a bit the cultivation of rice may be promoted in the islands.

The CHAIRMAN. That is the staple of food?

Secretary TAFT. Yes, sir; and we are anxious to promote that cultivation more than has been done heretofore.

Senator CULBERSON. You mean by that that you increase the tax?

Secretary TAFT. Yes, sir; it is to be increased at the option of the Commission.

Senator STONE. You increase the tax on all food stuffs?

The CHAIRMAN. Oh, no.

Secretary TAFT. No, sir. It is increased on rice.

Senator CULBERSON. Do I understand you to say that the rates have been increased on timber and rice?

Secretary TAFT. Yes.

Senator CULBERSON. How is it on cotton?

Secretary TAFT. It is increased on rice. "Provided, however, That the Philippine Commission may, in its discretion, continue in force the rate of duty as above stated," that is, the present rate, "until, in its opinion, the conditions in the Philippine Islands may warrant the higher rates herein provided," that is, on unhusked rice, husked rice, and flour.

The CHAIRMAN. Flour of rice?

Secretary TAFT. Yes; rice flour.

Senator CULBERSON. The general policy, then, is to increase the rate on products of the Philippine Islands?

Secretary TAFT. Well, except in respect to rice and timber.

The CHAIRMAN. They are all reduced except timber and rice?

Senator CULBERSON. They are reductions, except as to those two?

The CHAIRMAN. And on cotton?

Secretary TAFT. There was no change made except to suit the looms of American manufacturers.

The CHAIRMAN. The classifications on cotton textiles have been changed in such a way as to suit our looms; and it is of very great value to us to have that change in classification.

Secretary TAFT. The rate on manufactured tobacco, paragraph 366 (p. 46), has been reduced one-half.

Mineral waters, paragraph 367 (p. 46), have been taken from the free list and inserted in paragraph 312 (p. 42), and a light duty is charged to protect the native industry from Japanese waters, on which a bounty is given. They are developing now some very good water from some of the springs and bottling it there.

Paragraph 370 (p. 47) permits the entry of samples without the payment of duty.

Paragraph 393 (p. 49) has been enlarged to overcome annoyances on the part of persons entering Philippine ports and also allow the return of sacred vessels to the islands. Provision is also made for the customs examination of transports and naval vessels.

There has been a good deal of complaint by soldiers—and proper complaint, I think—that in going to their duty there, under orders, they should not be subjected to the payment of duty on household goods and on their clothing and other things; and while it was a matter for discussion as to what the old tariff meant, this clears it up and makes it very much more liberal.

Senator DIETRICH. I introduced a bill in the Senate not long ago, and our chairman stated that that would practically abolish the revenues of the islands.

The CHAIRMAN. It would have done so as it was drawn.

Senator DIETRICH. I do not see how. It is simply as stated here.

The CHAIRMAN. No; this is much more carefully drawn.

Secretary TAFT. This has been drawn with a good deal of care.

Senator STONE. It is practically the same.

Senator DIETRICH. It is exactly the same, and covers the same items in the same way.

Secretary TAFT. With respect to sacred vessels, during the disturbed conditions of the islands, the Gustinians, and I am not sure but the Dominicans, who had very valuable vestments, jewels, and silverware, sacred vessels, communion services, etc.—

The CHAIRMAN. There is a great difference, Senator DIETRICH, between this paragraph and yours. Yours gave the right of free importation. This is limited to things belonging to the person. Your bill gave any soldier or officer the right of free importation.

Senator DIETRICH. Upon certificate that they were for his own personal use and not for sale.

The CHAIRMAN. This provision exempts "all articles of professional equipment, wearing apparel, and household goods belonging to officers of the United States Army, Navy, and Marine Corps," etc. They must belong to them. They can not import from Europe or anywhere else anything that they want.

Senator DIETRICH. I can not see any difference in that case.

The CHAIRMAN. This provision continues, "imported from the United States for their personal use and benefit and not for barter or sale, may be entered free of duty on the personal certificate of such person that they fulfill the above conditions." This provision is more limited than your bill was. I think we will have trouble under it.

Secretary TAFT. I think we may; but this provision relates to articles imported from the United States, and prevents their importation from near-by countries, which is what constitutes the abuse.

Senator STONE. Have you finished stating all the changes covered by this bill?

Secretary TAFT. I had not completed the statement with reference to the sacred vessels. The Dominicans and Augustinians carried these things out of the islands, and when they tried to bring them back the duty was in force, and they could not get them back without paying very large sums. This provision is specific in its application to that case. That is all.

Senator DIETRICH. I would like to ask a question about copra. That is one of the large commodities of the islands. Where does copra largely go to?

Secretary TAFT. To France.

Senator DIETRICH. Do you put an export duty upon the copra?

Secretary TAFT. Yes.

The CHAIRMAN. That has always been the case.

Senator LONG. Have you anything further to state on the bill, Mr. Secretary?

Secretary TAFT. The tonnage dues, section 14 (p. 50), have been modified, and also section 11 of the act of February 6, 1905, gives the Commission authority to regulate this entire subject.

Senator CULBERSON. I suggest that you proceed to complete your statement about the bill, Mr. Secretary.

Secretary TAFT. I have nearly completed it, gentlemen. Section 22 (p. 51) provides for consular certificates, and section 23 (p. 52) contains the "rebate clause" as it appears in the Dingley bill, with the necessary modifications to make it applicable to the Philippine Islands—a drawback for the importation of imports into the Philippines, with a view to manufacture and then export.

That covers everything in the bill. The provisions relating to opium, rice, and machinery are the three great features of the bill. The rest are merely changes of form from specific to ad valorem. In justice to the importers, and such little provisions as those with reference to soldiers, with reference to the sacred vessels, and with reference to the rebate clause.

That is all there is in the bill, and yet it is important because it affects the business in the islands, and they are waiting out there for the passage of the bill.

Senator DIETRICH. I am with you heart and soul on this proposition, Mr. Secretary.

The CHAIRMAN. The amendment proposed is to strike out the words at the end of the opium paragraph, beginning, "But no license system shall be established," and going down to the bottom of page 43 of the bill, and to insert the following:

"And provided further, That after March 1, 1908, it shall be unlawful to import into the Philippine Islands opium, in whatever form, except by the Government, and for medicinal purposes only; and at no time shall it be lawful to sell opium for other than medicinal purposes to the natives of the islands."

Senator LONG. I move the adoption of the amendment.

The CHAIRMAN. Does the committee agree to that amendment?

(The amendment was agreed to.)

The CHAIRMAN. I want to say, and the committee knows it just as well as I do, that this long bill has come over to us from the House, and we have left about seven days only, our time is seized upon by this court, and we have appropriation bills and other matters which must be disposed of, and unless we can get the Senate to accept the views of the committee it can not be passed. We can not enter on debate. It will be a physical impossibility to pass it unless we can get the Senate to accept the opinion of the committee.

Senator CULBERSON. The amendment is agreed to?

The CHAIRMAN. Yes.

Senator LONG. And you are authorized to report the bill?

The CHAIRMAN. Yes. There is another amendment which the Secretary would like to have us put on, which does not bear on the tariff, and which I think this committee adopted once. It is as follows:

"The chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President, with the advice and consent of the Senate, and while holding that office he shall have the rank, pay, and allowance of a brigadier-general."

That raises the salary of the chief of the Bureau to the same rate received by the chiefs of all the other bureaus in the War Department. It is a question that possibly ought to go to the military committee. Every other chief of bureau in the War Department has the rate of brigadier-general, and the chief of the Insular Bureau is quite as important as any of the others.

Senator PROCTOR. It is too late to do that this year.

Senator LONG. I move that it be put on this bill.

The CHAIRMAN. The only question is whether it will result in delay.

Senator PROCTOR. I would not put it on this bill.

Senator DIETRICH. I would like to see it put on.

The CHAIRMAN. So should I. I am heartily in favor of it, but it will be with the utmost difficulty that we can get the bill through in any event, and we ought to get it through.

(After an informal discussion among the members of the committee.) The CHAIRMAN. I do not want to endanger the bill, but I am heartily in favor of this amendment.

Secretary TAFT. We proposed this provision to Mr. PAYNE in the House, and he said that he was in favor of it, but wanted the Senate to put it on.

Senator CULBERSON. What is the rank of the chief of the Bureau of Insular Affairs now?

Secretary TAFT. He is a captain.

Senator CULBERSON. That will jump him from the rank of captain to that of brigadier-general?

Secretary TAFT. Yes, sir.

Senator DIETRICH. That only applies to the time during which he is occupying the position?

Secretary TAFT. Certainly.

Senator PROCTOR. He is a colonel now, is he not?

Secretary TAFT. He is now; yes, sir.

Senator DIETRICH. He gets the pay of a colonel?

Secretary TAFT. Yes; but he is a captain.

Senator LONG. This amendment raises his pay from that of a colonel to that of a brigadier-general?

Secretary TAFT. Yes; temporarily, pending his occupation of the position. I just submit it to the committee. There is another very important amendment.

Senator PROCTOR. You only propose the temporary rank of brigadier-general for this officer?

Secretary TAFT. That is all; that that rank shall attach to the head of the Bureau.

Senator PROCTOR. Well, that is different; I did not know but that it was proposed that the rank should be permanent.

Secretary TAFT. No, sir.

Senator PROCTOR. That I knew would be objected to.

Senator LONG. Do you think that would be objected to in that form?

Senator PROCTOR. It is much less likely to be; I can not say about it.

Senator LONG. Why not put it on, and if it is objected to, let it be taken off?

Senator PROCTOR. It might lead to discussion. I think that is for the chairman of the committee to say.

The CHAIRMAN. I have no objection to putting it on, but it is going to be very difficult to get the bill through.

Senator DIETRICH. Going back to this other subject, your amendment is that the Government shall have a monopoly of the importation of opium?

Secretary TAFT. At the end of three years; not now. They may assume a monopoly. It gives the Commission the power to say so.

Senator DIETRICH. I did not understand that. I thought it provided that the Government should have the monopoly of importation now.

Secretary TAFT. No; in three years; and then that opium shall only be imported for medicinal purposes.

The CHAIRMAN. I am heartily in favor of this provision to raise the rank of the Chief of the Bureau of Insular Affairs to that of brigadier-general.

Senator LONG. Let us put it on, and drop it, if necessary, later.

The CHAIRMAN. I am only afraid of arousing debate. We have got to have some talk about this opium business.

Senator LONG. If it arouses debate you can take it off.

The CHAIRMAN. You do not think we should put it on, Senator Proctor?

Senator PROCTOR. No; I do not think it is good policy. Still, as it is temporary, it might go on, perhaps.

Senator STONE. I would not load the bill up with too much.

Senator LONG. What is the understanding about this amendment, Mr. Chairman?

The CHAIRMAN. I think we had better not risk it. If we are going to subordinate everything to get this bill through, which is my idea, I think we had better not risk it.

Senator PROCTOR. If the bill goes smoothly, you can move that in the Senate, after it goes through, if you think best.

The CHAIRMAN. Yes; I could do that.

Senator LONG. It can be put on and then taken off if it raises any discussion whatever.

Senator CULBERSON. I think the suggestion of the Senator from Vermont is best.

Senator STONE. I think so. After the bill is through it can be put on.

The CHAIRMAN. I can offer it as a committee amendment. I will do that if it seems possible. I will offer it as a committee amendment.

Senator DIETRICH. As far as I am personally concerned, I think the government should take the monopoly of the importation of opium at once.

The CHAIRMAN. That is what this provision provides.

Secretary TAFT. That is what it may do.

Senator DIETRICH. The Secretary says it does not do that. Secretary TAFT. It is not compulsory, but the recommendation of the Commission is that it should, and it is left by this provision here in such a situation that it may do that, or may impose a high license, either one.

Senator DIETRICH. The government only should import opium, and then you will not have the smuggling that you will have if the privilege is granted to others.

Secretary TAFT. I think it is likely that it will come to that. Bishop Brent has gone to the Philippine Islands, and I have instructed the Commission not to take up the matter at all until—

Senator DIETRICH. I shall reserve the right to object, if that is not the provision.

Secretary TAFT. I hope you will not, Senator, get the thing into a confusion which will restrict the discretion of the Commission.

Senator DIETRICH. I think the government should itself import the opium, and then sell it.

Secretary TAFT. This requires the government to do it, after three years.

(The committee thereupon adjourned sine die.)

LEWIS AND CLARK CENTENNIAL EXPOSITION.

The PRESIDENT pro tempore. Under the authority of the concurrent resolution of the two Houses, the Chair appoints as a committee on the part of the Senate to attend the opening ceremonies of the Lewis and Clark Centennial Exposition and Oriental Fair, to be held at Portland, Oreg., on June 1, 1905, the Senator from North Dakota [Mr. HANSBROUGH], the Senator from Wyoming [Mr. CLARK], the Senator from Maryland [Mr. McCOMAS], the Senator from New Hampshire [Mr. DILLINGHAM], the Senator from South Dakota [Mr. GAMBLE], the Senator from Delaware [Mr. BALL], the Senator from Virginia [Mr. DANIEL], the Senator from Kentucky [Mr. McCREARY], the Senator from Nevada [Mr. NEWLANDS], and the Senator from North Carolina [Mr. OVERMAN].

CLAIMS BILLS POSTPONED INDEFINITELY.

The PRESIDENT pro tempore laid before the Senate the following bills and joint resolution returned yesterday from the House of Representatives, and, on motion of Mr. WARREN and by unanimous consent, the votes by which the several bills and joint resolution were passed were reconsidered, and the bills and joint resolution were postponed indefinitely:

S. 175. An act for the relief of Robert D. McAfee and John Chiatovich;

S. 705. An act for the relief of the legal representatives of G. B. Stimpson;

S. 735. An act for the relief of Jean Louis Legare, of the Dominion of Canada;

S. 964. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.;

S. 2269. An act for the relief of Capt. Archibald W. Butt, quartermaster, United States Army;

S. 2547. An act for the relief of the owners, master, and crew of the schooner *Ella M. Doughty*;

S. 2749. An act for the relief of Henry Bash;

S. 2876. An act for the relief of Sarah E. Jenkins;

S. 2888. An act for the relief of Priscilla R. Burns;

S. 3197. An act for the relief of H. H. Thornton and Ben D. Rochblave;

S. 4236. An act to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me.; Fort Winthrop, Mass.; Fort Hamilton, N. Y., and Fort H. G. Wright, N. Y., as reported by board of army officers constituted to ascertain the same;

S. 4260. An act for the relief of Thomas C. Sweeney; and

S. R. 11. Joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona.

INDIAN DEPREDAATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 28th ultimo, a list of judgments rendered by the Court of Claims in Indian depredation cases, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriation to be included in the general deficiency appropriation for the redemption of stamps, \$2,090.49, and for refunding taxes illegally collected, \$306.26; which was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 28th ultimo, a list of all

claims allowed by the accounting officers of the Treasury Department which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 28th ultimo, a list of judgments rendered by the Court of Claims amounting to \$162,643, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 225) providing for the printing annually of the reports of the Bureau of Immigration; in which it requested the concurrence of the Senate.

The message also announced that the House had passed with an amendment the bill (S. 6647) granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes, asks a conference with the Senate on the bill and amendment, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Christian Endeavor Society of the Rhode Island Avenue Methodist Episcopal Church, of Washington, D. C., and a memorial of the congregation of the Rhode Island Avenue Methodist Episcopal Church, of Washington, D. C., remonstrating against the granting of any power to suspend the Sunday laws in the District of Columbia applicable to the Sunday after inauguration; which were referred to the Committee on Appropriations.

He also presented a petition of sundry railroad employees of New Hampshire, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented petitions of Thomas Cranage, of Bay City; of the Board of Commerce of Detroit; of the J. L. Hudson Company, of Detroit, and of the Michigan Stove Company, of Detroit, all in the State of Michigan, praying for the enactment of legislation to reorganize the consular service of the United States; which were referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Kalamazoo, Mich., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Chelsea, Mich., remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of W. S. Morris Subdivision, No. 503, of Ionia; of Jackson Subdivision, No. 2, of Jackson; of Mackinaw Subdivision, No. 338, of West Bay City; of Battle Creek Subdivision, No. 33, of Battle Creek, and of Gladstone Subdivision, No. 266, of Gladstone, all of the Brotherhood of Locomotive Engineers, in the State of Michigan, praying for the enactment of legislation to regulate certain requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Hackett Post, No. 185, of Bronson; of Caldwell Post, No. 365, of Lake City; of John Gillery Post, No. 114, of Fowlerville; of A. B. Watson Post, No. 395, of Grand Rapids; of Wadsworth Post, No. 49, of Lawrence; of Henry Dobson Post, No. 182, of Fremont, and of Earl Halbert Post, No. 108, of Grandledge, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the enactment of legislation to modify and simplify the pension laws of the United States; which were referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Owosso, Van Buren County, Chesaning, Saginaw, St. Louis, Bancroft, Benton, Harbor, Alpena, Emmet County, Damondale, Scotts, Berrien

Springs, Bangor, and Tuscola County, all in the State of Michigan, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a petition of Northfield Branch, Granite Cutters' National Union, of Northfield, Vt., praying that the post-office building at Cleveland, Ohio, be constructed of granite; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented a petition of Bell Post, No. 74, Grand Army of the Republic, Department of New Hampshire, of Chester, N. H., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented a petition of E. D. Biathrow and 35 other employees of the Boston and Maine Railroad, in the State of New Hampshire, and a petition of Granite State Lodge, No. 306, Brotherhood of Locomotive Firemen, of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented the petition of J. Earl Hall and 23 other citizens of Nashua and Hollis, N. H., and the petition of George M. Putnam and 16 other citizens of Hopkinton, N. H., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Nashua Subdivision, No. 483, Brotherhood of Locomotive Engineers, of Nashua, N. H., praying for the enactment of legislation to regulate the requirements of railroad engineers and firemen; which was referred to the Committee on Interstate Commerce.

Mr. KITTREDGE presented memorials of Minnie Mathwig and 10 other citizens of Oelrichs, of Thomas L. Bouch and 20 other citizens of Millbank, of G. R. Earl and 25 other citizens of Millbank, of Will A. Baker and 23 other citizens of Turner County, of M. K. Thrall and 43 other citizens of Humboldt, and of F. P. Blanchard and 67 other citizens of Colton, all in the State of South Dakota, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. McCUMBER presented the memorial of M. A. Wiperman and 47 other citizens of Hankinson, N. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. GAMBLE. I present resolutions adopted at a mass meeting of citizens of Deadwood, S. Dak., relative to the enlargement of the powers of the Interstate Commerce Commission. I ask that the resolutions be printed in the RECORD, without reading, and that they be referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

A mass meeting of the citizens of Deadwood and vicinity convened at the city hall in the city of Deadwood, S. Dak., February 18, 1905, to consider what is known as the "rate bill," now pending before the Congress of the United States; William J. Thornby was elected chairman and Roy Sharpe secretary.

After some discussion of the subject it was moved that the chairman appoint a committee of seven to draft suitable resolutions and report the same to the meeting on the evening of February 20, 1905, which motion was unanimously carried, and the chairman appointed the following committee, to wit: James W. Fowler, James A. George, Freeman Knowles, Norman T. Mason, John T. Heffron, James Munn, and Alexander Strachan. Whereupon the meeting adjourned to Monday night, February 20, 1905.

MONDAY NIGHT, February 20, 1905.

Meeting convened: William J. Thornby, presiding; Roy Sharpe, secretary. The committee appointed on the evening of the 18th by the chairman of this body, through James W. Fowler, its chairman, reported for consideration the following resolutions, to wit:

"Whereas the President of the United States, in his last annual message to Congress, recommended that 'the Interstate Commerce Commission should be vested with the power, where rate (for the transportation of property in the interstate or foreign commerce) has been challenged and, after full hearing, found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the court of review.' Therefore, be it

"Resolved by the citizens of Deadwood, S. Dak., in mass meeting assembled, That we favor and indorse the recommendations of the President and the action of the House of Representatives in so promptly passing H. R. 18588, and request our Senators from South Dakota in the United States Senate to use all honorable means to expedite the passage of H. R. 18588 now before them, and assuring them that in so doing they will express the almost unanimous wish of the people of the State of South Dakota: Be it further

"Resolved, That these resolutions be presented to the honorable city council of Deadwood, S. Dak., coupled with a request that they, as a

body, adopt the same and transmit a duly certified copy, under the seal of the city, to the President, and each of our Senators and Representatives from this State.

"JAMES W. FOWLER.
"JAMES A. GEORGE.
"FREEMAN KNOWLES.
"NORMAN T. MASON.
"JOHN T. HEFFRON.
"JAMES MUNN.
"ALEXANDER STRACHAN."

And thereupon moved the adoption of such resolutions, and that the chairman of this meeting appoint a committee to present such resolutions, with the proceedings thereon, to the President of the United States, the Senators and Representatives from the State, which motion was unanimously carried.

Attest:

WILLIAM J. THORNBY, *Chairman*.
ROY SHARPE, *Secretary*.

We, Edward McDonald, mayor, and Roy Sharpe, auditor, of the city of Deadwood, hereby certify that we and each of us, with other members of the city council of the city of Deadwood, were present and participated in the proceedings described in the foregoing pages; that the same is a full, true, and complete transcript of the proceedings had and of the whole thereof; and James W. Fowler, James Munn, and Alexander Strachan authorized to transmit the same as above provided.

In witness whereof we have hereunto set our hands and affixed the great seal of the city of Deadwood this 21st day of February, 1905.

[SEAL.]

E. McDONALD,

Mayor of the City of Deadwood.

Attest:

ROY SHARPE,
City Auditor.

Mr. GAMBLE presented the petition of A. L. Van Osdel and 166 other citizens of Yankton and Clay counties, S. Dak., and the petition of George W. Woodward and 83 other citizens of Yankton and Clay counties, S. Dak., praying that an appropriation be made to construct 1 mile of levee and two wing dams along the low banks of the Missouri River below the mouth of James River, in Yankton County, in that State; which were referred to the Committee on Commerce.

Mr. KEAN presented a memorial of Essex Trades Council, American Federation of Labor, of Newark, N. J., remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was ordered to lie on the table.

He also presented memorials of Local Councils Nos. 62, 145, 50, 308, 120, 107, 63, 162, 116, 64, 202, 98, 64, 126, 167, 62, 41, and 108, of Quinton, North Long Branch, Clarksboro, Newark, Union Hill, Plainfield, Bergensfield, Elmer, Eatonton, Manahawkin, Lakewood, West Milford, Atlantic City, Allentown, Matawan, West Long Branch, West Point Pleasant, and Manasquan, all of the Junior Order of United American Mechanics, and of sundry citizens of Hoboken, all in the State of New Jersey, remonstrating against the use of Indian trust funds for sectarian school purposes; which were ordered to lie on the table.

Mr. COCKRELL presented the petition of John C. Cahill, of Warrensburg, Mo., praying for an increase of pension; which was referred to the Committee on Pensions, to accompany the bill (S. 4388) granting an increase of pension to John C. Cahill.

Mr. LODGE presented memorials of 30 citizens of Lowell, of 63 citizens of Athol, and of 48 citizens of South Lancaster, all in the State of Massachusetts, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. TELLER presented petitions of sundry citizens of Delta, Colorado Springs, Paonia, Gunnison, Pueblo, Denver, Edgewater, Grand Junction, Georgetown, and Berkely, all in the State of Colorado, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Territory of Oklahoma and the Indian Territory when admitted to statehood; which were ordered to lie on the table.

POLLUTION OF THE POTOMAC RIVER.

Mr. GALLINGER. I have received from the Commissioners of the District of Columbia a very valuable paper relative to the pollution of the Potomac River and its relation to the water supply of the District of Columbia. The paper has been prepared by Marshall O. Leighton, of the United States Geological Survey. I move that it be printed as a public document, and that 200 additional copies be printed for the use of the Committee on the District of Columbia.

The motion was agreed to.

CONDITIONS IN MIDWAY ISLANDS.

Mr. PERKINS. I present a communication from the Secretary of the Navy, transmitting letters from the president and vice-president of the Commercial Pacific Cable Company relating to conditions existing in the Midway Islands. I move that the papers be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 19026) permitting the building of a dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.;

A bill (H. R. 19140) to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.;

A bill (H. R. 18598) to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

A bill (H. R. 18597) to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi; and

A bill (H. R. 18596) to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 28th ultimo, relative to an appropriation of \$215,820.89 to pay the Citizens' Bank of Louisiana, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Territories, to whom was referred the bill (H. R. 18514) to amend an act to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla., reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15609) providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. GALLINGER on the 28th ultimo relative to the pay of officers and employees of the Senate and House of Representatives for extra services, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 18464) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota, reported it without amendment, and submitted a report thereon.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted on yesterday by Mr. BACON, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the proceedings in the Senate of the United States in the matter of the impeachment of Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, of which 4,000 shall be for the use of the Senate and 6,000 for the use of the House of Representatives; and that the Committee on Printing be, and is hereby, directed to prepare an index thereto.

BULLETIN CONCERNING THE ANGORA GOAT.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 193) providing for the publication of 3,000 copies of Bulletin No. 27 of the Bureau of Animal Industry, entitled "Information Concerning the Angora Goat," to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there shall be printed 3,000 copies of Bulletin No. 27 of the Bureau of Animal Industry, entitled, "Information Concerning the Angora Goat," the same to be first revised under the supervision of the Secretary of Agriculture, 1,000 copies for the use of the House of Representatives, 500 for the use of the Senate, and 1,500 for the use of the Department of Agriculture. The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TUG FORK BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 18902) to authorize Everett Leftwich, of Williamson, W. Va., to bridge the Tug Fork of the Big Sandy River at Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, to report it without amendment. I call the attention of the Senator from West Virginia [Mr. SCOTT] to this report.

Mr. SCOTT. I ask unanimous consent to have this little bill passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR PIERRE, S. DAK.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 18513) to extend the time for the commencement and completion of a bridge across the Missouri River at or near Pierre, S. Dak., to report it without amendment.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported.

Mr. HALE. Every day there is more and more trouble about the passage of the appropriation bills. After this matter is disposed of I shall object to the consideration of any bill other than the post-office appropriation bill.

The PRESIDENT pro tempore. The bill will be read, there being no objection.

The Secretary read the bill, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURNHAM introduced a bill (S. 7285) granting a pension to all surviving officers and enlisted men of the United States Army and Navy, both regular and volunteer, who were serving on board the sloop of war *Cumberland* on March 8, 1862; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 7286) for the relief of the Methodist Protestant Church; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7287) for the relief of the trustees of Barea Christian Church, of Spottsylvania County, Va.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT OF INTERSTATE COMMERCE LAWS.

Mr. DOLLIVER. I introduce a joint resolution and ask that it be read twice and lie on the table.

The PRESIDENT pro tempore. The joint resolution will lie on the table at the request of the Senator from Iowa.

Mr. KEAN. I shall move that the joint resolution be referred to the Committee on Interstate Commerce. I enter the motion.

Mr. DOLLIVER. I hope the Senator will not insist on that motion.

Mr. KEAN. I enter the motion; that is all.

The PRESIDENT pro tempore. The Senator enters the motion.

Mr. CULBERSON. Can we not have the resolution read?

Mr. GORMAN. So as to see what it is.

Mr. CULBERSON. Let the resolution be read.

The PRESIDENT pro tempore. It is a joint resolution.

Mr. CULBERSON. I should like to have it read.

Mr. HALE. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine objects to the reading.

Mr. GORMAN. Let it be read by title.

Mr. CULBERSON. We have never heard even the title of the resolution on this side of the Chamber.

The PRESIDENT pro tempore. There is not yet any title to it.

Mr. CULBERSON. We would be glad to hear the Senator from Iowa state the purpose of the resolution.

Mr. DOLLIVER. The purpose is to create a joint commission of the two Houses of Congress to investigate questions relating to the amendment of the interstate-commerce laws.

The PRESIDENT pro tempore. Objection has been made to the first reading of the joint resolution. It goes over anyway.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORGAN submitted an amendment proposing to pay Cora B. Thomas her salary as a clerk in the Treasury Department.

ment from July 3, 1904, to March 5, 1905, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment relative to the actual expenses incurred per day of district judges holding court outside of their districts, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment relative to the reasonable and actual expenses for travel and attendance of district judges holding court outside of their districts, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$1,456.17 to pay Capt. George E. Pickett, paymaster, United States Army, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER submitted an amendment proposing to appropriate \$3,014.51 to pay the Wolf River Paper and Fiber Company, of Shawano, Wis., being the amount of a judgment and costs in their favor, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

MAINTENANCE OF COMMERCIAL CHANNELS.

Mr. MORGAN submitted the following resolution; which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the chairman of the Committee on Commerce is authorized to appoint a subcommittee of the same, with authority to sit during the recess, to investigate and report upon the various methods of securing and maintaining commercial channels, particularly with reference to their relative economies and advantages, and to report at the first session of the next Congress.

The said subcommittee is hereby authorized to employ such clerical force as may be necessary and the expenses of such investigation shall be defrayed from the contingent fund of the Senate.

CULTURE OF SUGAR CANE.

Mr. PROCTOR submitted the following concurrent resolution; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of a report of experiments on the culture of sugar cane and its manufacture into table sirup, 1903-4, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

RESURVEY OF LAND IN MONTANA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5203) providing for the resurvey of township 18 north, range 6 east, and township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana.

The amendments of the House were, on page 1, line 4, to strike out all after "in" down to and including "and," in line 5; and to amend the title so as to read: "An act providing for the resurvey of township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana."

Mr. GIBSON. I move that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

CHOCTAW, OKLAHOMA AND GULF RAILROAD.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives requesting a conference with the Senate on the amendment of the House to the bill (S. 6647) granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes.

Mr. LONG. I move that the Senate agree to the amendment of the House.

The PRESIDENT pro tempore. The amendment of the House will be read.

The SECRETARY. On page 2, line 7, after "Company," insert:

Provided, That said purchasing company shall, by said purchase, be and become liable and assume the payment of all existing liabilities of said selling company, and all suits now pending against said Choctaw, Oklahoma and Gulf Railroad Company shall proceed to final judgment the same as if said sale had not been made.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 225. Joint resolution providing for the printing annually of the reports of the Bureau of Immigration was read twice by its title, and referred to the Committee on Printing.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On February 28, 1905:

S. 7065. An act to amend section 5146 of the Revised Statutes of the United States, in relation to the qualifications of directors of national banking associations;

S. 1299. An act granting a pension to John M. Reimer;

S. 2456. An act granting a pension to William G. Bradley;

S. 4588. An act granting a pension to Hannah B. Nyce;

S. 5170. An act granting a pension to Kate M. Smith;

S. 5382. An act granting a pension to Sarah A. Morris;

S. 5638. An act granting a pension to Susan E. McCarty;

S. 5897. An act granting a pension to Collin A. Wallace;

S. 5973. An act granting a pension to Jane N. Clements;

S. 6556. An act granting a pension to Amanda B. Mack;

S. 6701. An act granting a pension to Charles B. Spencer;

S. 6743. An act granting a pension to Joseph A. Aldrich;

S. 6922. An act granting a pension to Sarah Ferry;

S. 7076. An act granting a pension to Susan Hayman;

S. 7206. An act granting a pension to Jane Hollis;

S. 68. An act granting an increase of pension to Martha M.

Bolton;

S. 101. An act granting an increase of pension to James M. Shippen;

S. 107. An act granting an increase of pension to Joel H. Warren;

S. 194. An act granting an increase of pension to Chester E. Dimick;

S. 331. An act granting an increase of pension to Henry E. Jones;

S. 568. An act granting an increase of pension to Lyman H. Lamprey;

S. 899. An act granting an increase of pension to John Moulton;

S. 1660. An act granting an increase of pension to John C. Wilkinson;

S. 1690. An act granting an increase of pension to James K. Brooks;

S. 1946. An act granting an increase of pension to Edward J. Palmer;

S. 1990. An act granting an increase of pension to Catherine Howland;

S. 2251. An act granting an increase of pension to Edward W. Bennett;

S. 2304. An act granting an increase of pension to Samuel S. Merrill;

S. 2985. An act granting an increase of pension to William Wallace;

S. 3075. An act granting an increase of pension to Emma J. Kanadey;

S. 3122. An act granting an increase of pension to Elias Thomas;

S. 3253. An act granting an increase of pension to Gilbert L. Eberhart;

S. 3406. An act granting an increase of pension to Amanda D. Penick;

S. 3442. An act granting an increase of pension to William S. Underdown;

S. 3556. An act granting an increase of pension to Theodore P. Rynder;

S. 3864. An act granting an increase of pension to Dean W. King;

S. 3898. An act granting an increase of pension to Noah C. Standiford;

S. 4551. An act granting an increase of pension to Richard Gable;

S. 4638. An act granting an increase of pension to Edwin F. Barrett;

S. 4684. An act granting an increase of pension to Ella M. Ewing;

S. 4918. An act granting an increase of pension to Merida P. Tate;

S. 5118. An act granting an increase of pension to Andrew R. Mark;

S. 5160. An act granting an increase of pension to Harriett P. Gray;

S. 5321. An act granting an increase of pension to William Klingensmith;

- S. 5405. An act granting an increase of pension to John Leary;
- S. 5493. An act granting an increase of pension to Charles S. Kerns;
- S. 5505. An act granting an increase of pension to William B. Chapman;
- S. 5630. An act granting an increase of pension to James Nowell;
- S. 5814. An act granting an increase of pension to Edward D. Hamilton;
- S. 5824. An act granting an increase of pension to Benjamin P. Thompson;
- S. 5890. An act granting an increase of pension to Andrew Magnuson;
- S. 5907. An act granting an increase of pension to Mary E. Robinson;
- S. 6009. An act granting an increase of pension to James H. Briggs;
- S. 6010. An act granting an increase of pension to Justus A. Chafee;
- S. 6015. An act granting an increase of pension to Thomas Ritchie;
- S. 6045. An act granting an increase of pension to Almon W. Bennett;
- S. 6075. An act granting an increase of pension to Samuel M. Jones;
- S. 6076. An act granting an increase of pension James B. Clark;
- S. 6096. An act granting an increase of pension to Charles Grass;
- S. 6099. An act granting an increase of pension to Dempsey Ferguson;
- S. 6185. An act granting an increase of pension to Thomas Read;
- S. 6354. An act granting an increase of pension to Pierce McKeogh;
- S. 6357. An act granting an increase of pension to Alvan P. Granger;
- S. 6374. An act granting an increase of pension to Lewis Secor;
- S. 6388. An act granting an increase of pension to George W. Hadlock;
- S. 6415. An act granting an increase of pension to Daniel Bolon;
- S. 6417. An act granting an increase of pension to Lucy F. Crittenden;
- S. 6418. An act granting an increase of pension to Wallace Goff;
- S. 6432. An act granting an increase of pension to James Campbell;
- S. 6440. An act granting an increase of pension to John F. Wallace;
- S. 6441. An act granting an increase of pension to John Seby;
- S. 6442. An act granting an increase of pension to William Southwick;
- S. 6443. An act granting an increase of pension to Terence J. Tully, alias James Fox;
- S. 6466. An act granting an increase of pension to John W. Kennedy;
- S. 6467. An act granting an increase of pension to Jonathan Story;
- S. 6471. An act granting an increase of pension to Frances H. Scott;
- S. 6472. An act granting an increase of pension to Samuel Hice;
- S. 6484. An act granting an increase of pension to Ellen Scott;
- S. 6492. An act granting an increase of pension to Joseph Howe;
- S. 6515. An act granting an increase of pension to George Murphy;
- S. 6562. An act granting an increase of pension to George W. Moyer;
- S. 6571. An act granting an increase of pension to John Van Lear;
- S. 6576. An act granting an increase of pension to Carrie M. Cleveland;
- S. 6578. An act granting an increase of pension to Josiah Pearson;
- S. 6579. An act granting an increase of pension to James W. Foley;
- S. 6580. An act granting an increase of pension to Melissa E. Nelson;
- S. 6661. An act granting an increase of pension to Edwin R. Kennedy;
- S. 6675. An act granting an increase of pension to Halsey S. Curry;
- S. 6676. An act granting an increase of pension to Albert S. Hopson;
- S. 6681. An act granting an increase of pension to John L. Kiser;
- S. 6698. An act granting an increase of pension to Charlotte Johnson;
- S. 6706. An act granting an increase of pension to Jacob Ormerod;
- S. 6727. An act granting an increase of pension to Simeon Perry;
- S. 6749. An act granting an increase of pension to Alfred Diehl;
- S. 6762. An act granting an increase of pension to David Wertz;
- S. 6804. An act granting an increase of pension to Mary C. Leefe;
- S. 6847. An act granting an increase of pension to Thomas Dunn;
- S. 6859. An act granting an increase of pension to Lizzie D. Wise;
- S. 6896. An act granting an increase of pension to William Gleason;
- S. 6897. An act granting an increase of pension to James Flanagan;
- S. 6898. An act granting an increase of pension to Joseph Wood, alias Joseph Rule;
- S. 6901. An act granting an increase of pension to Allen Thompson;
- S. 6921. An act granting an increase of pension to George W. Cole;
- S. 6924. An act granting an increase of pension to Richard H. McIntire;
- S. 6925. An act granting an increase of pension to Laura C. Curtiss;
- S. 6930. An act granting an increase of pension to Helen O. Wright;
- S. 6938. An act granting an increase of pension to Patrick W. Kennedy;
- S. 6939. An act granting an increase of pension to John Coburn;
- S. 6940. An act granting an increase of pension to George W. Enyart;
- S. 6943. An act granting an increase of pension to Francis W. Little;
- S. 6946. An act granting an increase of pension to Judson L. Mann;
- S. 6948. An act granting an increase of pension to Bradford Burnham;
- S. 6966. An act granting an increase of pension to Peter A. Purdy;
- S. 6989. An act granting an increase of pension to Jacob O. Stout;
- S. 6993. An act granting an increase of pension to Helen B. Messenger;
- S. 7019. An act granting an increase of pension to Annie T. Seaman;
- S. 7021. An act granting an increase of pension to Catharine R. Reynolds;
- S. 7056. An act granting an increase of pension to Martha Haddock;
- S. 7064. An act granting an increase of pension to Esther S. Damon;
- S. 7066. An act granting an increase of pension to Edmond W. Eakin;
- S. 7093. An act granting an increase of pension to William Dawson;
- S. 7095. An act granting an increase of pension to Lewis M. Duff;
- S. 7096. An act granting an increase of pension to Amanda H. Burrows;
- S. 7124. An act granting an increase of pension to Harris Howard;
- S. 7125. An act granting an increase of pension to Lorenzo D. Cousins;
- S. 7194. An act granting an increase of pension to John Welch;
- S. 7210. An act granting an increase of pension to Charles M. Suter; and
- S. 7227. An act granting an increase of pension to Josephine C. Bard.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 2927. An act granting an increase of pension to James C. Hall;

H. R. 4390. An act granting an increase of pension to Francis W. Seeley;

H. R. 8810. An act granting an increase of pension to Benjamin Shaffer;

H. R. 9772. An act granting an increase of pension to Z. T. Miller;

H. R. 11743. An act granting an increase of pension to Charles H. Baird;

H. R. 15390. An act granting an increase of pension to Augustus C. Foster;

H. R. 15705. An act granting an increase of pension to James M. Champe;

H. R. 16878. An act granting an increase of pension to William Spriggs;

H. R. 17329. An act granting an increase of pension to Abraham Roberts;

H. R. 17934. An act to provide for a land district in Wasatch and Uinta counties, in the State of Utah, to be known as the "Uinta land district," and for other purposes;

H. R. 18198. An act to amend sections 5417, 4488, and 4499 of the Revised Statutes, relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes, relating to misconduct by officer or owners of vessels.

H. R. 18200. An act to amend section 4414 of the Revised Statutes of the United States; and

H. R. 18202. An act to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, 4233, of the Revised Statutes of the United States, relating to steamboat inspection.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 18464. An act to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota; and

H. R. 18787. An act to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado.

The message further announced that the House had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 18468. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906.

The message also announced that the House insists upon its amendment to the bill (S. 7077) granting a pension to Robert Catlin, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. CALDERHEAD, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 3478) making provisions for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat" for school purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEVENS of Minnesota, Mr. YOUNG, and Mr. HAY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 1635. An act for the extension of M street east of Bladensburg road, and for other purposes;

S. 2560. An act for the relief of G. G. Martin;

S. 3043. An act for the relief of the estate of the late John Jacoby;

S. 4156. An act for the establishment of public-convenience stations in the District of Columbia;

S. 4699. An act to relinquish and quitclaim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, and T. E. Welles, of Pensacola, Fla., his heirs and assigns, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Fla.;

S. 6846. An act to reinstate Kenneth McAlpine as a lieutenant in the Navy;

S. 7239. An act to amend section 13 of chapter 393 of the Supplement to the Revised Statutes of the United States;

H. R. 1887. An act granting an increase of pension to William J. Stewart;

H. R. 1892. An act granting an increase of pension to John Gibson;

H. R. 11746. An act granting an increase of pension to Isaiah Waltman;

H. R. 15679. An act granting an increase of pension to James G. Butler;

H. R. 15960. An act granting an increase of pension to David H. Lee;

H. R. 16035. An act granting an increase of pension to Church Fortner;

H. R. 16073. An act granting an increase of pension to James B. Miller;

H. R. 16131. An act granting an increase of pension to William W. Clift;

H. R. 16148. An act granting an increase of pension to Matthew McKnown;

H. R. 16155. An act granting an increase of pension to John H. Barton;

H. R. 16222. An act granting an increase of pension to Elias W. Ticknor;

H. R. 16261. An act granting an increase of pension to Andrew T. Welman;

H. R. 16345. An act granting an increase of pension to George Whitfield;

H. R. 16389. An act granting an increase of pension to George F. Robinson;

H. R. 16394. An act granting an increase of pension to Sarah C. Johnson;

H. R. 16412. An act granting an increase of pension to Henry C. Steadman;

H. R. 16464. An act granting an increase of pension to Austin Handy;

H. R. 16505. An act granting an increase of pension to Frances F. Mower;

H. R. 16514. An act granting an increase of pension to Robert W. Patrick;

H. R. 16519. An act granting an increase of pension to Mary E. Quick;

H. R. 16527. An act granting an increase of pension to Francis A. Heath;

H. R. 16623. An act granting an increase of pension to George H. Hitchcock;

H. R. 16649. An act granting an increase of pension to Hans Anderson;

H. R. 16660. An act granting an increase of pension to Joseph Rumell;

H. R. 16688. An act granting an increase of pension to William F. Robertson;

H. R. 16692. An act granting an increase of pension to Gertrude L. Tallman;

H. R. 16725. An act granting an increase of pension to Gates D. Parish;

H. R. 16743. An act granting an increase of pension to John Glass;

H. R. 16831. An act granting an increase of pension to Isaac Hanks;

H. R. 16805. An act granting an increase of pension to Frederick A. Bird;

H. R. 16814. An act granting an increase of pension to William S. Lyon;

H. R. 16818. An act granting an increase of pension to Levi Fleming;

H. R. 16843. An act granting an increase of pension to Henry Mountz;

H. R. 16853. An act granting an increase of pension to Alfred Frost;

H. R. 16864. An act granting an increase of pension to George M. Tuley;

H. R. 16943. An act granting an increase of pension to Lucy E. Rumer;

H. R. 16959. An act granting an increase of pension to Andrew J. Wilde;

H. R. 17013. An act granting an increase of pension to George P. Finlay;

H. R. 17034. An act granting an increase of pension to Augustus W. Thompson;

H. R. 17045. An act granting an increase of pension to William A. Forbes;

H. R. 17058. An act granting an increase of pension to Oscar Getman;

H. R. 17061. An act granting an increase of pension to Arthur E. Strimple;

- H. R. 17065. An act granting an increase of pension to George F. Griffith, alias Frank W. Morton;
- H. R. 17079. An act granting an increase of pension to Edmund G. Ross;
- H. R. 17090. An act granting an increase of pension to Catharine Conway;
- H. R. 17130. An act granting an increase of pension to Edward Donnelly;
- H. R. 17146. An act granting an increase of pension to William Carter;
- H. R. 17163. An act granting an increase of pension to Elizabeth Jackson;
- H. R. 17205. An act granting an increase of pension to Patrick Haley;
- H. R. 17230. An act granting an increase of pension to Richard Desmond;
- H. R. 17238. An act granting an increase of pension to Andrew J. D. Herod;
- H. R. 17293. An act granting an increase of pension to Joseph Stewart;
- H. R. 17304. An act granting an increase of pension to William Dustin;
- H. R. 17306. An act granting an increase of pension to George Dallison;
- H. R. 17388. An act granting an increase of pension to Julius A. Mahurin;
- H. R. 17379. An act granting an increase of pension to James P. McCleary;
- H. R. 17408. An act granting an increase of pension to Charles Franklin;
- H. R. 17413. An act granting an increase of pension to Mary E. Brown;
- H. R. 17418. An act granting an increase of pension to Margaret J. Valentine;
- H. R. 17523. An act granting an increase of pension to Mary A. Paul;
- H. R. 17544. An act granting an increase of pension to Stephen M. Fisk;
- H. R. 17559. An act granting an increase of pension to Joseph Wilkes;
- H. R. 17564. An act granting an increase of pension to Martha L. H. Spurgin;
- H. R. 17622. An act granting an increase of pension to Edwin S. Pierce;
- H. R. 17627. An act granting an increase of pension to Michael Daniel Norman;
- H. R. 17639. An act granting an increase of pension to Charles F. Junken;
- H. R. 17668. An act granting an increase of pension to Rosina Tyler;
- H. R. 17661. An act granting an increase of pension to Darius H. Whitcomb;
- H. R. 17680. An act granting an increase of pension to George Hayes;
- H. R. 17682. An act granting an increase of pension to William Ross Hartshorne;
- H. R. 17691. An act granting an increase of pension to Andrew J. Brann;
- H. R. 17716. An act granting an increase of pension to William B. White;
- H. R. 17737. An act granting an increase of pension to John F. Bonnell;
- H. R. 17804. An act granting an increase of pension to Francis W. Edgerly;
- H. R. 17810. An act granting an increase of pension to Cyrus Van Cott;
- H. R. 17811. An act granting an increase of pension to John G. Penrose;
- H. R. 17819. An act granting an increase of pension to Robert W. Callahan;
- H. R. 17828. An act granting an increase of pension to Patrick Haney;
- H. R. 17832. An act granting an increase of pension to Malinda Peak;
- H. R. 17918. An act granting an increase of pension to Hiram H. Terwilliger;
- H. R. 17922. An act granting an increase of pension to Ann E. Snyder;
- H. R. 17973. An act granting an increase of pension to Bridget Enwright;
- H. R. 17976. An act granting an increase of pension to Joseph C. Kinsey;
- H. R. 18004. An act granting an increase of pension to Thomas R. Boss;
- H. R. 18027. An act granting an increase of pension to Isaac Sloan;
- H. R. 18030. An act granting an increase of pension to Leonard Hammond;
- H. R. 18050. An act granting an increase of pension to John Keough;
- H. R. 18051. An act granting an increase of pension to Orson M. Marckum;
- H. R. 18077. An act granting an increase of pension to Jacob Koonsman;
- H. R. 18082. An act granting an increase of pension to John Brown;
- H. R. 18083. An act granting an increase of pension to Philip Chace;
- H. R. 18086. An act granting an increase of pension to James Eastland;
- H. R. 18090. An act granting an increase of pension to John Clougharty;
- H. R. 18092. An act granting an increase of pension to William A. Moore;
- H. R. 18101. An act granting an increase of pension to Susan A. Demarest;
- H. R. 18102. An act granting an increase of pension to Frank Langdon;
- H. R. 18103. An act granting an increase of pension to Willis Booker;
- H. R. 18113. An act granting an increase of pension to William Bottenberg;
- H. R. 18116. An act granting an increase of pension to Abram H. Bedell;
- H. R. 18132. An act granting an increase of pension to Daniel J. Meeds;
- H. R. 18135. An act granting an increase of pension to Jemima Rosencrans;
- H. R. 18145. An act granting an increase of pension to William H. Leonard;
- H. R. 18180. An act granting an increase of pension to Jacob Fulmer;
- H. R. 18181. An act granting an increase of pension to Nancy Ann Smith;
- H. R. 18182. An act granting an increase of pension to James Bothwell;
- H. R. 18194. An act granting an increase of pension to William H. Lybe;
- H. R. 18220. An act granting an increase of pension to Mary Cushing Hall;
- H. R. 18239. An act granting an increase of pension to George W. Farmer;
- H. R. 18264. An act granting an increase of pension to Frank Schumer;
- H. R. 18273. An act granting an increase of pension to Soren Julius Thor Straten;
- H. R. 18309. An act granting an increase of pension to William H. Washburn;
- H. R. 18310. An act granting an increase of pension to Sinnett A. Duling;
- H. R. 18319. An act granting an increase of pension to Green B. Waller;
- H. R. 18339. An act granting an increase of pension to Lot Leguin Godfrey;
- H. R. 18340. An act granting an increase of pension to Augustus Gralen;
- H. R. 18345. An act granting an increase of pension to Thomas S. Peck;
- H. R. 18357. An act granting an increase of pension to George N. Ward;
- H. R. 18370. An act granting an increase of pension to Mary Casey;
- H. R. 18372. An act granting an increase of pension to Chapman Mann;
- H. R. 18383. An act granting an increase of pension to James H. Phelps;
- H. R. 18386. An act granting an increase of pension to Zachariah Hall;
- H. R. 18389. An act granting an increase of pension to Francis A. Tabor;
- H. R. 18391. An act granting an increase of pension to Ephraim F. Hays;
- H. R. 18394. An act granting an increase of pension to George W. Drye;
- H. R. 18396. An act granting an increase of pension to Louvenia Clark;
- H. R. 18433. An act granting an increase of pension to Bethel Coopwood;

H. R. 18438. An act granting an increase of pension to Catharine Loxley;

H. R. 18453. An act granting an increase of pension to Jacob C. Ryan;

H. R. 18460. An act granting an increase of pension to Thomas Sellers;

H. R. 18475. An act granting an increase of pension to Linda S. Anderson;

H. R. 18607. An act granting an increase of pension to William C. Alexander;

H. R. 18615. An act granting an increase of pension to Jeremiah Carbaugh;

H. R. 18628. An act granting an increase of pension to Anthony Weaver;

H. R. 18629. An act granting an increase of pension to Sarah A. Rowe;

H. R. 18631. An act granting an increase of pension to Henry D. Fulton;

H. R. 18683. An act granting an increase of pension to John Schneider;

H. R. 18684. An act granting an increase of pension to Margaret L. Hance;

H. R. 18687. An act granting an increase of pension to Sarah Hall Johnston;

H. R. 18697. An act granting an increase of pension to Jordan Garrett, now known as Jordan Freeman;

H. R. 18730. An act granting an increase of pension to Alfred M. Conner, alias Alfred C. Morris;

H. R. 18760. An act granting an increase of pension to William M. Short;

H. R. 18777. An act granting an increase of pension to Eusebia N. Perkins; and

H. R. 18779. An act granting an increase of pension to Israel N. Green.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment numbered 3 of the Senate to the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Hereafter all estimates for fortifications for insular possessions of the United States shall be made and submitted to Congress showing amount proposed to be expended at each harbor in each insular possession;" and the Senate agree to the same.

GEORGE C. PERKINS,

F. E. WARREN,

JOHN W. DANIEL,

Managers on the part of the Senate.

C. N. LITTAUER,

B. F. MARSH,

GEORGE W. TAYLOR,

Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 18464. An act to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota; and

H. R. 18787. An act to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask that the Senate proceed to the consideration of the post-office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes.

The Secretary resumed the reading of the bill on page 2, line 24.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 3, line 4, before the word "thousand," to insert "and twelve;" and in line 5, before the word "dollars," to insert "five hundred;" so as to read:

For salaries of clerks and laborers at division headquarters, miscellaneous expenses at division headquarters, travelling expenses of in-

spectors without per diem, and of inspectors in charge, expenses incurred by field inspectors not covered by per diem allowance, and traveling expenses of the chief post-office inspector, \$112,500, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 4, line 11, to reduce the total appropriation for compensation to assistant postmasters at first and second class post-offices from \$2,123,800 to \$2,100,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The amendment was agreed to.

The next amendment was, on page 5, line 12, after the word "clerk," to insert "private secretary;" so as to make the clause read:

Assistant superintendent of delivery, assistant superintendent of mails, assistant superintendent of money order, assistant superintendent of registry, bookkeeper, cashiers, finance clerk, private secretary, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, twenty-five, at not exceeding \$2,400 each.

The amendment was agreed to.

The next amendment was, on page 11, line 25, after the item "For unusual business at third and fourth class post-offices, \$50,000," to insert the following proviso:

Provided, That on the direct order of the Postmaster-General any part of this sum may be allowed for clerk hire, rent, fuel, light, and miscellaneous expenses where by reason of unusual conditions the interest of the service demands such allowances.

The amendment was agreed to.

The next amendment was, on page 12, line 10, before the word "one," to strike out "and" and insert "or;" in line 13, before the word "one," to strike out "and" and insert "or;" and in line 17, before the word "one," to strike out "and" and insert "or;" so as to make the clause read:

For allowance to third-class post-offices to cover the cost of clerical services, \$750,000: *Provided*, That no allowance in excess of \$200 shall be made where the salary of the postmaster is \$1,000, \$1,100, or \$1,200; nor in excess of \$300 where the salary of the postmaster is \$1,300, \$1,400, or \$1,500; nor in excess of \$400 where the salary of the postmaster is \$1,600, \$1,700, \$1,800, or \$1,900.

The amendment was agreed to.

The next amendment was, on page 12, line 19, to increase the appropriation for rent, light, and fuel for first, second, and third class post-offices from \$2,750,000 to \$2,800,000.

The amendment was agreed to.

The next amendment was, on page 14, line 8, after the word "same," to insert "and for tape measures for use in the parcels-post service;" and in line 9, before the word "dollars," to strike out "ten thousand" and insert "twelve thousand five hundred;" so as to make the clause read:

For letter balances, scales, and test weights, and repairs to same, and for tape measures for use in the parcels-post service, \$12,500.

The amendment was agreed to.

The next amendment was, on page 14, line 11, after the word "purposes," to insert "and year blocks for old postmarking stamps, not to exceed four consecutive years for each stamp;" so as to make the clause read:

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, and year blocks for old postmarking stamps, not to exceed four consecutive years for each stamp, \$35,000.

The amendment was agreed to.

The next amendment was, on page 14, line 21, to reduce the appropriation for printing facing slips and cutting same, card slide labels, blanks, etc., from \$20,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 14, line 25, to increase the appropriation for blanks, blank books, printed and engraved matter, binding, and carbon paper for the money-order service from \$120,000 to \$145,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 16, line 4, before the word "hundred," to strike out "five" and insert "eight;" and in the same line, after the word "dollars," to insert:

And the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902: *Provided*, That contracts for pneumatic-tube service, including those now in existence, shall not be made to exceed \$1,500,000: *And provided further*, That hereafter all contracts for pneumatic-tube service, based on competitive bidding, may be made for a term not exceeding ten years.

So as to make the clause read:

For transmission of mail by pneumatic tubes or other similar devices, \$800,000, and the Postmaster-General is hereby authorized to provide for the extension of the service, etc.

Mr. CLAY. I ask the chairman of the committee in charge of the bill to let this amendment be the last amendment to be

considered. It will be discussed for a few minutes. Let it be passed over until we run through the bill and be the last item to be taken up and discussed.

Mr. PENROSE. Very well; I ask that the amendment be passed over.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be passed over.

The next amendment was, on page 17, line 18, to increase the appropriation for railway post-offices car service from \$5,800,000 to \$5,950,000.

Mr. CULBERSON. I ask that the amendment may go over until the bill has been read and other amendments adopted.

Mr. PENROSE. All right, Mr. President, let it go over.

The PRESIDENT pro tempore. The amendment goes over.

The next amendment was, on page 18, line 8, before the word "clerks," to strike out "fifty-nine" and insert "forty-nine;" in line 12, before the word "clerks," to strike out "twenty-eight" and insert "eight;" in line 14, before the word "clerks," to strike out "twenty-six" and insert "ninety-one;" in line 17, before the word "clerks," to strike out "seven hundred and fifty-four" and insert "nine hundred and fifty-eight;" and in line 19, before the word "clerks," to strike out "five thousand and forty-seven" and insert "four thousand eight hundred and six;" so as to make the clause read:

Railway mail service: One general superintendent, at \$4,000; 1 assistant general superintendent, at \$3,500; 1 chief clerk, office of general superintendent, at \$2,000; 1 assistant chief clerk, office of general superintendent, at \$1,800; 11 division superintendents, at \$3,000 each; 11 assistant division superintendents, at \$1,800 each; 5 assistant superintendents, at \$1,800 each; 23 assistant superintendents, at \$1,600 each; 125 chief clerks, at \$1,600 each; 249 clerks, class 6, at not exceeding \$1,500 each; 1,266 clerks, class 5, at not exceeding \$1,400 each; 508 clerks, class 5, at not exceeding \$1,300 each; 1,791 clerks, class 4, at not exceeding \$1,200 each; 1,958 clerks, class 4, at not exceeding \$1,100 each; 4,806 clerks, class 3, at not exceeding \$1,000 each; 2,031 clerks, class 2, at not exceeding \$900 each; 905 clerks, class 1, at not exceeding \$800 each; in all, \$14,178,000.

The amendment was agreed to.

The reading of the bill was continued to line 2, page 19.

Mr. McCOMAS. On page 19, after line 2, I move to insert the following amendment, which has—

The PRESIDENT pro tempore. The committee amendments are first to be considered.

Mr. McCOMAS. This amendment is approved by the committee.

The PRESIDENT pro tempore. It is not a committee amendment.

Mr. McCOMAS. I call the attention of the chairman of the committee to it.

Mr. PENROSE. I am willing to accept the amendment of the Senator from Maryland, if it is in order now.

The PRESIDENT pro tempore. It is not in order, but by unanimous consent it can be offered now.

Mr. PENROSE. Let the amendment be read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On page 19, after line 2, insert:

In the assignment or transfer of clerks from the railway mail service, however, preference shall be given to the persons honorably discharged from the military or naval service who served in the war of the rebellion and who are now serving as clerks on the railway mail cars, in order that they may be transferred to clerical service in the Department or in the post-offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred.

The PRESIDENT pro tempore. Without objection—

Mr. CULBERSON. I ask for the regular order—action on the committee amendments.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maryland will be laid aside.

The reading of the bill was continued. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 21, line 18, before the word "thousand," to strike out "six hundred and eighty" and insert "seven hundred and twenty-five;" and on page 22, line 2, before the word "thousand," to strike out "seventy-five" and insert "eighty-five;" so as to make the clause read:

For transportation of foreign mails, \$2,725,000, of which sum \$45,000 or so much thereof as may be necessary shall be available for contracts for carrying mails from San Francisco to Tahiti, in accordance with the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce:" *Provided*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding \$85,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding \$40,000 for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster-General," on page 23, line 7, to increase the appropriation for pay of agents and assistants to distribute stamped envelopes and newspaper wrappers, etc., from \$19,420 to \$21,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster-General," on page 24, line 18, to increase the appropriation for horse-hire allowance from \$700,000 to \$725,000.

The amendment was agreed to.

The next amendment was, on page 24, line 20, to increase the appropriation for car fare and bicycle allowance from \$300,000 to \$350,000.

The amendment was agreed to.

The next amendment was, on page 25, line 6, to increase the appropriation for fees to special-delivery messengers from \$850,000 to \$950,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to insert as a new section the following:

Sec. 2. That hereafter fourth-class matter when mailed in packages not exceeding 16 ounces in weight shall be subject to the rate of 1 cent for each 2 ounces or fraction thereof.

Mr. DOLLIVER. Reserving a point of order, I will ask that the amendment may go over.

Mr. PENROSE. It can go over, if the Senator desires.

Mr. CLAY. The Senator from Iowa has reference to sections 2 and 3. The Senator does not refer to section 4?

Mr. DOLLIVER. I do not refer to any except section 2.

Mr. CLAY. I think section 3 ought to go over too, Mr. President. To section 4 I have no objection.

Mr. PENROSE. I ask that sections 2 and 3 may go over.

The PRESIDENT pro tempore. Sections 2 and 3 will be passed over for the present.

The next amendment was, on page 27, after line 16, to insert as a new section the following:

Sec. 4. That hereafter, whenever it shall be shown to the satisfaction of the Postmaster-General that any postage is paid on any mail matter for which service is not rendered, or is collected in excess of the lawful rate, he may, in his discretion, authorize the postmaster at the office where paid to refund the proper amount out of the postal receipts in the possession of the postmaster: *Provided*, That this provision shall apply to all applications for such refunds pending in the Post-Office Department at the time of this act.

Mr. GORMAN. I should like the Senator in charge of the bill to explain section 4, which gives the Postmaster-General a great deal of power and, so far as I see, without a report on the subject.

Mr. PENROSE. I can not hear the Senator.

Mr. GORMAN. I am asking the Senator in charge of the bill to give some information as to the necessity for section 4 of the bill. What reason is there for it?

Mr. PENROSE. Mr. President, on that point I will read an extract from a communication from the Third Assistant Postmaster-General:

It has been an uninterrupted practice for many years for the Post-Office Department to refund, through the postmaster at the office of mailing, any excesses of postage which that postmaster may have charged over the lawful rate upon any mail matter. Such excesses are generally charged through mistake, ignorance, or misinterpretation of instructions, and the Department has regarded it as unfair and inequitable to the patrons of the service to retain such excesses and cover them into the Treasury as revenue.

It has likewise been the practice to refund any postage which may have been paid upon any mail matter for which no service is rendered. It often happens that matter deposited in the mails is withdrawn for one reason or another. Sometimes it is deposited by mistake or under a misunderstanding as to the mallability of the article or as to the limit of weight, etc. Refunds in such cases have not, as a general rule, amounted to as much as \$1,000 per annum.

Recently the Comptroller of the Treasury ruled on a case involving an extraordinary amount that no such refund can lawfully be made. He held that the money was in the Treasury and could not be returned except by act of Congress.

This provision is to enable the Postmaster-General to do justice to the public and to correct in all proper cases errors of postmasters by refunding any postage which may have been exacted in excess of the lawful rate, or which may have been paid upon any piece of mail matter for which no postal service was rendered.

(Senate Hearings, pp. 132-133.)

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment on page 16 was passed over. It will be stated.

The SECRETARY. On page 16, line 4, after the word "devices," strike out "five" and insert "eight;" and same line, after the word "dollars," insert:

And the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902: *Provided*, That contracts for pneumatic-tube service, including those now in existence, shall not be made to exceed \$1,500,000: *And provided further*, That hereafter all contracts for pneumatic-tube service, based on competitive bidding, may be made for a term not exceeding ten years.

So as to make the clause read:

For transmission of mail by pneumatic tubes or other similar devices, \$800,000, and the Postmaster-General is hereby authorized to provide for the extension of the service, etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CLAY. Mr. President, I am aware of the fact that we can not afford to take many minutes in the discussion of this bill, and I shall not consume more than five or six or probably ten minutes of the time of the Senate.

I have before me the report of the Postmaster-General. There was expended last year for pneumatic-tube service \$251,011.51. There was appropriated for this service \$500,000. This item in the bill increases this appropriation to \$1,500,000.

I want to say, Mr. President, that of the amount heretofore appropriated, the Post-Office Department did not use one-half. The service has been completed in St. Louis and in Chicago; the service has not been perfected in New York, Boston, Philadelphia, nor Brooklyn, but this \$500,000 which the House bill carries will be ample to complete the service in those three cities.

I want to call attention to the fact that the Postmaster-General himself uses the following language in regard to the pneumatic-tube service:

The sum estimated as necessary for the fiscal year ending June 30, 1906, is \$500,000, being the same amount as the appropriation for the current fiscal year.

I also want to call the attention of the chairman of the committee to the fact that while the Postmaster-General, liberal in making estimates, has said that \$500,000 was all that the Department wanted for the purpose of carrying on this service—notwithstanding this fact, we have in this bill appropriated \$1,500,000 for future contracts.

Mr. President, the Senator from Wisconsin [Mr. SPOONER] has heretofore said that the Committee on Post-Offices and Post-Roads has not been careful to follow the estimates made by the Department and that we have frequently gone beyond them. If you will add the other increases, including this item of a million dollars, the charge can be made against us now. We had just as well look the truth in the face. The last nine years the Post-Office appropriation bills have increased nearly \$100,000,000. It takes as much money now to run the Post-Office Department and the Navy Department as it took to meet the entire expenses of the Government fourteen years ago.

This matter was thoroughly discussed before the Committee on Post-Offices and Post-Roads, and I am frank to tell the Senate that there is a plan now on foot, by those who desire to put in these tubes, to extend the service to every city of the nation with 200,000 inhabitants.

What does the Postmaster-General tell us? We start with New York, I have no objection to that; we start with Boston, I have no objection to that; nor to Chicago, nor to Philadelphia; but, Mr. President, when you begin to extend this service to cities of 500,000 inhabitants, to cities of 200,000 inhabitants, the Postmaster-General tells Congress that it will cost \$13,000,000. You have already seen the Post-Office appropriation bills grow until the present bill amounts to nearly \$200,000,000. Experience has taught me that when you begin on a certain line for a large city with a certain service, that a smaller city and then a still smaller one will demand it, and you can not tell where the appropriation will reach.

I want to call attention to the fact now that in 1878 we passed an act fixing the maximum railway pay for carrying the mails. From 1878 to 1905 we have been paying the same rate per ton for carrying the mails. We have made no reductions. We pay annually \$10,000,000 more than we ought to pay for carrying the mails. We made a contract with the railroads in 1878 and fixed the amount to be paid for carrying the mails, and no change for more than a quarter of a century has been made. Prices for freight have been reduced fully one-half, but we pay the railroads the same price we paid them in 1878 for carrying the mail. We pay now annually nearly \$50,000,000 to railroads for this purpose. Not only that, but the rate fixed in 1878 as rental for postal cars is paid now.

Mr. SCOTT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. CLAY. With pleasure.

Mr. SCOTT. Does not the Senator think we are very fortunate in being able to have the mail carried at the same rate now which was formerly fixed, when he takes into consideration the advance in wages and in other directions of the expense of carrying the mails and the running of the Post-Office Department?

Mr. CLAY. I am frank to say to the Senator that I do not think so. If he will examine into the amount paid for carrying

freight during the last twenty-five years, the rate paid on corn, cotton, and manufactured products, he will find that there has been a decrease of from 35 to 52 per cent. Mr. President, I am frank to say that I believe there ought to be an overhauling of both those items—a readjustment; that the law ought to be changed, and that a less rate ought to be fixed than that fixed at the present time.

Mr. President, we are paying to-day for the carrying of the mails for car service nearly a third of this entire appropriation. There is a large deficiency this year in the receipts and revenues from the Post-Office Department, and we had just as well look facts in the face. If we commence and continue this pneumatic-tube service, extending it to all the cities of 200,000 inhabitants, we shall have a deficiency of more than \$20,000,000.

I will concede that certain large cities ought to have this service. I am willing to give it to certain large cities; but we ought to limit it to those cities and to lay down an imperative rule that it shall not go any further. We know that the estimates show to-day that when every dollar of revenue is collected and the expenses of the Government are paid during the next year there will be a deficiency of over \$60,000,000. In that estimate only \$8,000,000 are provided for rivers and harbors, and we are compelled to pass a bill carrying more than three times that amount. If we stand here to-day and do not cut down expenses in any particular, but enlarge them in every instance, providing for new and additional improvements that are not needed, it would not surprise me to see that deficiency reach \$100,000,000.

I lay down the proposition—and I believe it to be correct, and I do not believe that it can be successfully disputed—that if you start this scheme of giving \$1,500,000 in this instance for the extension of this service, the next Congress will be called upon to give \$4,000,000; the Post-Office Committee will be besieged by cities all over the United States asking for this service; and it would not surprise me to see cities of 50,000 inhabitants asking for this appropriation. If we are going to have this service, let us lay down a rule and let us provide that cities of so many inhabitants, say, 1,000,000 or 500,000, and no other cities shall have this service. Some of the places that are now asking for this service receive mail from six to nine times per day.

We are compelled not only to take into consideration the convenience of the people, but we must also take into consideration the expenditures which we make. The people have an idea that they can come to Congress and get an appropriation for almost anything; but they ought to remember that every dollar that we appropriate, directly or indirectly, comes from the taxation of the great body of the American people.

Mr. President, in my opinion this is a new departure. We ought to prescribe how far we are going. The Postmaster-General says you may take the \$500,000 already appropriated, and that is every dollar that he can successfully use during the next fiscal year. We ought to be governed at least by the estimates made by the Department.

Mr. PENROSE. I should like to make an inquiry of the Senator. I should like to ask the Senator from Georgia whether there is any objection to the extension of the contracts for the pneumatic-tube service from four years to ten years? That part of the amendment seems to me a very desirable one, and in this discussion and in the vote on the amendment it would be well to separate that feature of it, if there is no objection.

Mr. CLAY. I want to say to the Senator that, so far as I am concerned, I have no objection to the continuation of this service already established.

Mr. PENROSE. That is what I want to get at.

Mr. CLAY. I merely want to say to the Senator that if we are going to extend this service we ought to prescribe the cities to which it shall be extended and the amounts which shall be expended.

Mr. PENROSE. I am not referring now to the extension of the service. I am alluding to the proposition to extend the contracts already provided for or to be provided for from a period of four years to ten years. One of the reasons why this service has failed in the city of Philadelphia, and I believe in other cities, has been the difficulty in getting capital to invest in bonds and securities of these pneumatic-tube companies upon a four-year contract. It would seem to me only a common-sense business proposition that the Government ought at least to give the people engaged in this enterprise a longer contract.

Mr. FORAKER. Mr. President, I am in hearty concurrence with the Senator from Pennsylvania [Mr. PENROSE] in his idea that the time for which the contract may be made should be extended from four years to ten years, for it is true, as the Senator has stated, that one of the greatest difficulties in getting contracts to put in the pneumatic-tube service is due to the

fact that the term for which the contracts are made is so limited in duration that it is not inviting to capital. The mere suggestion of that, it seems to me, is enough in the way of argument to sustain that proposition.

But, Mr. President, the Senator from Georgia [Mr. CLAY] is conclusively answered, as it seems to me, by something that he has overlooked. I understand his objection to this proposition is not that he thinks the pneumatic-tube service is not important, not that he thinks that it should not be extended, but only because he thinks that we ought to name the cities to which it may be extended, and that otherwise we will incur an enormous indebtedness, estimated—I believe he said—at \$15,000,000 annually.

Mr. President, the Senator appears to have overlooked the fact that in the law as it now stands there is a limitation better than that which he suggests upon the expenditures on this account. The law of 1902 provides that there shall not be expended on account of the pneumatic-tube service in any city of the Union where it is put into operation more than 4 per cent of the gross revenues of the post-office at that city.

Mr. CLAY. Will the Senator let me call his attention to the fact that that law does not confine the service to any particular city of any particular size?

Mr. FORAKER. No, it does not; and therefore its great excellence. I do not know of any reason why we should have the pneumatic-tube service confined to this, that, or the other city. If it be a good thing in the city of Boston, it will be a good thing in the city of Cincinnati, in Kansas City, and in every other city of any reasonable size throughout the whole country; and if we have it sufficiently limited, as the law of 1902 does limit it, as to the amount that can be expended on that account, it seems to me impossible for any argument to come from that. Now, what are the total revenues of the Post-Office Department? Only about \$150,000,000 in the aggregate, and less than that, I think. So the total amount that could be expended, if we were to take the gross revenues of the whole Department, on account of the pneumatic-tube service would be only something over \$5,000,000 annually.

But, Mr. President, what is proposed? The Senator says he has no objection to putting the pneumatic-tube service in the cities of New York, Chicago, Philadelphia, Boston, and St. Louis, where it has already been introduced, but he is opposed to an extension of it because of the enormous expense which he fears will be incurred; and yet the only additional cities that have been talked about, if I am correctly informed, as cities in which the pneumatic-tube service should be introduced are the cities of Brooklyn, Cincinnati, Pittsburg, San Francisco, Baltimore, Cleveland, Kansas City, Detroit, Minneapolis, St. Paul, and Buffalo.

Mr. CLAY. Will the Senator allow me to correct him?

Mr. FORAKER. Certainly.

Mr. CLAY. I call the Senator's attention to the fact that in the arguments made before the committee—and I have a copy of the brief that was furnished—the cities in which they are anxious to put this service in operation are New York, Chicago, Philadelphia, Boston, St. Louis, Brooklyn, Cincinnati, Pittsburg, San Francisco, Baltimore, Cleveland, Kansas City, Detroit, Minneapolis, St. Paul, and Buffalo.

Mr. FORAKER. Yes; precisely the same cities that I have mentioned.

Mr. President, now I want to call the Senator's attention to the fact that the gross revenues of the post-offices in all those cities amounted last year to but \$50,727,180.20; so that it would be impossible for us, with the law standing as it is, with the limitation of 4 per cent, to increase the expenditures beyond about \$2,000,000 annually if we were to introduce this service in every one of these cities. I also call the Senator's attention to the fact that in the cities of Boston, New York, Chicago, St. Louis, and Philadelphia, where the pneumatic-tube service has already been introduced, the gross revenues amount to such a sum as that 4 per cent on it would amount to about \$1,600,000. So that if we introduce the pneumatic-tube service in all the cities which have been named there could not be an increase beyond what we are already burdened with, amounting to more than a half million dollars annually.

That leads me to call attention to the fact that this amendment does not propose an appropriation of a million and a half dollars. It proposes to increase the appropriation by \$300,000, and authorizes the making of contracts within the limitation of the statute of 1902 as to the 4 per cent rule, which, in the aggregate, shall not amount to more than a million and a half dollars.

Mr. CLAY. I want to call the Senator's attention to the fact that the total revenues of the cities which I have mentioned

amount to \$51,687,904.14, and 4 per cent of this amount would be \$2,067,516.16.

Mr. FORAKER. There is not much difference between the Senator and myself. The table which I have before me shows that the total of the revenues of the cities named amounts to \$50,727,180. I have not undertaken to make an accurate calculation. I simply stated it as being in the neighborhood of \$50,000,000 in the aggregate. If we were to introduce the service into all these cities the gross annual charge could not exceed about \$2,000,000.

So that, Mr. President, there is nothing here that is calculated to very greatly burden the Government; there is not anything here that should not be provided for if it be true—as we are told officially and otherwise and as we all know, for it is common knowledge—that the pneumatic-tube service has proven eminently satisfactory, satisfactory beyond expectation in the cities where it has been tried, we ought to have it in the other cities. In the city where I live we are at a disadvantage for the want of it. It takes longer to get our mail to the depot, as the Senator from Georgia [Mr. CLAY], being a member of the committee, is well aware from the advices the committee received, than it should. It is a handicap upon us. Our usual business at the post-office there is growing by leaps and bounds; it is rapidly increasing; we want adequate facilities, and to give us all that you can give us within the law, under this limitation of 4 per cent, will not burden anyone. Out of the revenues of that city everything will be returned, and more than returned, to the Government.

Mr. LODGE. Mr. President, if I thought the extension of the pneumatic-tube service would lead to the vast expenditures depicted by the Senator from Georgia [Mr. CLAY], I should oppose it in the strongest way; but the expenditures on this account are absolutely limited by the 4 per cent limitation. If we could introduce the service everywhere, so as to bring the whole of the postal revenues within the calculation, the amount required could not go much over \$5,000,000. Of course, a large part of the offices of receipt in the United States are small offices, and necessarily excluded entirely from pneumatic service. It can be used only in cities, and the number of cities where it can be used is limited. On the basis of an expenditure for this service of not exceeding 4 per cent of the postal revenues, it could not possibly, under the law, be extended over \$3,000,000 or \$3,500,000. That is the extent to which it could go.

Mr. McCOMAS. What would the Senator say is the cost of the installation of the service? He says that 4 per cent only of the revenues can be used. If that is the limitation, it becomes important to know what amount the installation of such service in one city would require. That fixes the limit of cities in which it may be used.

Mr. LODGE. The installation is not made by the Government.

Mr. McCOMAS. I mean what does it cost to have that sort of device applied to any city?

Mr. FORAKER. The cost shall not exceed \$17,000 per mile.

Mr. LODGE. Per mile. The law provides that limit by previous legislation as to the cost per mile.

Now, if all the cities that desire it should secure this service, as has been already stated, the expenditure would be something over \$2,000,000. In this connection, I ask to have printed as a part of my remarks the memorandum which I send to the desk, showing the possible expenditure on account of pneumatic service.

The PRESIDENT pro tempore. In the absence of objection, the memorandum referred to by the Senator from Massachusetts will be printed in the RECORD.

The memorandum is as follows:

Memorandum as to possible expenditure.

The fear that the expense of pneumatic-tube service will ever reach an exaggerated or disproportionate amount is altogether groundless when it is considered that the limit of the amount which can be expended is fixed by law at 4 per cent of the gross postal revenue of the city in which it is proposed to install it, and that this sum shall include the necessary power and labor to operate it. (See appropriation act approved April 21, 1902.)

The gross postal revenue of the United States for the fiscal year ended June 30, 1904, taken from the Auditor's report, was \$143,582,624.34. Four per cent of this sum would be \$5,743,304.96.

No one can claim that there is any advantage in introducing such systems except in the following cities, where the gross postal revenue, year ended June 30, 1904, was as follows:

New York	\$14,135,844.11
Chicago	10,316,692.04
Philadelphia	4,592,906.28
Boston	4,185,278.84
St. Louis	2,251,949.11
Brooklyn	2,026,243.86
Cincinnati	1,698,200.18

Pittsburg	\$1,511,653.48
San Francisco	1,509,693.69
Baltimore	1,502,347.21
Cleveland	1,380,593.64
Kansas City	1,213,883.04
Detroit	1,175,015.27
Minneapolis	1,130,086.80
St. Paul	733,716.20
Buffalo	1,123,800.39

Gross postal revenue	51,687,904.14
Four per cent of which is	2,067,516.16

From this statement it is plain that but little over \$2,000,000 would be required to equip all of these cities with this modern facility, and it is not a wild or unreasonable estimate to say that this advantage of rapid communication would draw income from other and more expensive utilities like the telephone, and so pay for itself.

If it be suggested that some future Congress may remove this limit, it seems safe to assume that the fixing of this limit has established a precedent as to the legislation on this subject which in all human probability would be taken into account and adhered to hereafter.

Mr. LODGE. The postmaster at New York said, the other day:

It doesn't require any scientific knowledge or deep thought to see that tubes are necessary here. They will make this office yield even greater profits than now. Mail patronage increases in value as facilities increase, just as street car travel, as past experience in New York has shown, increases as fast as new lines are built or more cars used or better motive power adopted.

In my own city of Boston we already have pneumatic service, and without the committee's amendment the service would be continued in that city, where it has been of extreme value. But I am speaking in behalf of other cities. We have entered on an expenditure for rural free delivery that has already reached \$25,000,000, and the end is still very distant.

I do not think it is too much to ask for an expenditure for the benefit of the cities—and it will also benefit the country, because it facilitates the transmission of the mails—which can not go, at the outside, beyond \$5,000,000, to install this pneumatic service, which, as the postmaster at New York points out, by increasing the facilities will increase the revenue. These great cities, Mr. President, are where the profits of the postal service are made, and I think they deserve some consideration. I know how valuable the service has been in my own city. I think its extension is a wise and proper thing and I do not think the expenditure to the Government will be at all considerable.

Mr. DOLLIVER. Mr. President, it is not a very gracious thing, being a member of the Committee on Post-Offices and Post-Roads, for me to dissent from the action of the committee, and I do not intend to be drawn into that attitude; but I have a very distinct conviction that we ought to postpone for the present session of Congress the extension of this pneumatic-tube service. I do not intend to inquire into the value of it; I have no doubt that it is a valuable service. I do not intend to inquire into the ultimate cost of it; I have no doubt that ultimately it will be costly enough. Nor do I wish to say a word about this strange proposal to make a Government contract the basis of the promotion of industrial corporations. I am not affected favorably by a suggestion of that sort.

The thing I desire now to say is that if this Congress is going to make a bona fide effort to stop the increase of appropriations we have reached a place just here where a million dollars and more can easily and without damage to the Government be saved.

I do not believe in pressing the argument of economy to the point of crippling the Government, but I have heard it laid down here by wise men during this session of Congress that, with falling revenues and an increasing deficit, there ought to be wisdom enough in Congress to find some way to prevent the steady and general increase of these great appropriations bills.

Now, here is a proposed improvement of the postal service. It is granted that it is a good one; it is granted that it will not ultimately be costly in an exorbitant degree; but I say that, good as it is and cheap as it is, it is not pressing upon this Congress as an act of public policy to make this appropriation now; in other words, we can make concessions to the state of the national revenues without in the least disturbing the effectiveness of the postal service.

There is one thing about these pneumatic tubes that I have never been able to understand. I can find no evidence, and I believe no one makes any pretense, that they have saved anything to the postal service. When I first heard the matter discussed I thought that if they sent the mail through these tubes by compressed air probably it will save the expense of maintaining a few horses and wagons, but the facts seem to indicate that even the large extension of this service that has already been made has not saved the keep of one horse nor the wear and tear on a single wagon.

Mr. LODGE. May I ask the Senator a question?

XXXIX—234

Mr. DOLLIVER. Certainly.

Mr. LODGE. How much has been saved to the Government by the rural free delivery?

Mr. DOLLIVER. The rural free delivery is not intended as an economical proposition. It is a great sociological proposition, extending the blessings of the postal service into the rural districts.

Mr. FORAKER. I dislike to interrupt the Senator, but is it not a fact that the receipts or returns from that service are very rapidly increasing, and that quite soon, if not already, that service will be self-sustaining?

Mr. DOLLIVER. What service?

Mr. FORAKER. The rural free-delivery service.

Mr. DOLLIVER. I have no doubt of that in the long run, but I would not care whether it does or not. Here we are asked to spend millions of dollars for a labor-saving and time-saving device—

Mr. FORAKER. If the Senator will allow me, we are asked to spend altogether about \$2,000,000 annually in a few cities that yielded more than \$50,000,000 of the grand aggregate of the postal revenues, and it is objected to by the Senator who seems to favor the rural free delivery on sociological grounds.

Mr. DOLLIVER. Mr. President, I can concede all that my honorable friend from Ohio has maintained. I am not called upon to say a word against the value of this service. I am not even called upon to say that it is an extravagant service, but Congress has never been furnished with an intelligible calculation of the basis upon which the charges are made for the use of these tubes. I can concede all that, and yet here is a proposition to spend a million and a half of dollars for an improvement of the postal service, which may be made next year or the year following, as well as now; and I say, as a naked business proposition, in the present state of the revenues of this Government such a thing ought not to be done by the Government.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. DEFEW. Mr. President, my own opinion is, notwithstanding the eloquent speech of the Senator from Iowa [Mr. DOLLIVER], that the introduction of these tubes in cities like New York is an economy and not an extravagance. With the service already there, which is very limited, it carries the mail between Station H, near the Grand Central Depot and Forty-fourth street, to the general post-office in eight minutes. The wagon service takes forty-five minutes at best. In the same way it takes forty minutes to send mail to Brooklyn by the wagon service, while the tube service does it in six minutes.

Now, when we consider the enormous amount of mail which passes between New York and all the country, which yields a revenue of \$14,135,844.11 gross and of \$9,280,204.02 net to the Government, the saving of over a half hour in catching trains going to the towns where the mail is to be distributed all over the continent, in reaching the steamships that are scheduled to leave at certain times for abroad, is of incalculable benefit to the whole country; and the expenditure is so limited in comparison with the expenditures which we are making in every other direction that it seems to me to be very small compared with the amount and value of the service rendered by these tubes.

Now, as I understand it, the Postmaster-General, under this provision, has discretion. The whole power and discretion are left with him as to what contracts he will make, and he is to determine whether those contracts are beneficial to the Government or not. It seems to me that in these large cities the extension of this service for quick delivery is of inestimable value to the people of the United States in their trade, and that it will be economy when once put in general operation.

Mr. CLAY. Mr. President, just a word. It would not be proper to refer to what happened in the committee in regard to this amendment, and I do not desire to refer to it, but I do not believe there has ever been a time when a majority of the Committee on Post-Offices and Post-Roads, with the full committee present, favored this amendment. We have recognized the fact that if the committee recommended it, at the next session of Congress, we would be told that other cities must have it, and we must repeal the 4 per cent law referred to by the Senator from Ohio [Mr. FORAKER].

The Senator from Massachusetts [Mr. LODGE] having served upon the committee, is fully aware of the fact that it is almost impossible to resist these appeals. You put the service in fifteen or twenty or thirty cities, and you will find thirty of forty or fifty more after it; and you will find that at the very next session of Congress we will increase it, and it will increase gradually until the expenditure reaches twelve or thirteen million dollars.

Mr. FORAKER. How can it reach twelve or thirteen million dollars, when there is a positive statutory limitation? Of course we can repeal that, but unless we do repeal it how can it go beyond that?

Mr. CLAY. There is now by statute a law providing that not exceeding 4 per cent of the revenues from a particular post-office shall be used for pneumatic-tube service in that city. That is true. That law was passed only two years ago. I was on the committee at the time it passed. But I want to say to the Senator that I see how things are drifting. We will be asked at the next session of Congress to repeal this law. We will be asked to extend the service to other cities, and you will find that these companies, anxious to put in the service, having invested a large amount of money in putting the service into the cities referred to now, will be before us at every session of Congress asking for an extension of the service.

I say to the Senator, and I believe I am correct, that you will find in a few years instead of having a deficiency of eight or ten million dollars in your postal receipts and expenditures it will reach twice that amount.

I wish to call the attention of the Senator from Connecticut [Mr. PLATT] to a fact. Not a great while ago there was in an appropriation bill an item of \$66,000 for clerks for the Civil Service Commission, and the Senator from Connecticut raised the point and wanted to know whether or not there would be a corresponding decrease in the post-office appropriation bill, as these clerks were to be transferred from the Post-Office Department. You will find on an examination of the bill that there is an increase of 1,700 clerks, costing a million and three hundred thousand dollars, and a statement that no reduction can be made on account of this transfer.

There is no politics in this amendment. There was no political division in the Committee on Post-Offices and Post-Roads. This is not a political bill. It is a measure that deals with post-office receipts and revenues, having in view the welfare of the entire country.

There are some things about this measure I do not desire to discuss. I feel absolutely certain that during the next four years, if this amendment is adopted, you will find fifty more cities clamoring for the same service, and there is no telling where the expenditures will go.

Mr. PENROSE. There is a committee amendment of phraseology, to which I may as well call the attention of the Senate now.

Mr. FORAKER. What has become of the pending amendment?

Mr. GORMAN. The pending amendment has not been adopted.

The PRESIDENT pro tempore. It has not been disposed of.

Mr. PENROSE. All right.

Mr. GORMAN. Mr. President, I shall make a point of order upon this amendment, and in doing so I wish to say a few words. The point of order is that the amendment has not been estimated for by the Department, and that it is legislation. The Postmaster-General's report contains a very short statement on this subject:

The sum estimated as necessary for the fiscal year ending June 30, 1906, is \$500,000, being the same amount as the appropriation for the current fiscal year.

I object to the amendment, first, because there is no estimate for it, which, I think, should exclude it from the bill. In the second place, the provision of the amendment as offered is such that it would be unfortunate if we were to adopt it. I take it for granted that one of the main reasons why the Postmaster-General has failed to make an estimate beyond \$500,000 is because of the changed condition in some of the great cities, together with the expense of the service.

At the last session of Congress the distinguished Senator from New York [Mr. DEWEY] who has just addressed the Senate secured in the appropriation bill for the great city of New York two branch post-offices on the new line of the tunnels of the New York Central and Pennsylvania railroads. It was an extraordinary provision to be inserted in the bill, but a wise one. That system will connect with all the underground roads in New York. I take it that the Postmaster-General is as well aware as those who are not so familiar with it that that change will almost dispense with the pneumatic-tube service in that great city. And so conditions are changing in other cities.

The other provision of the amendment is to extend existing contracts to ten years. I suggest to the Senator in charge of the bill that that is a very unwise provision. In making contracts—

Mr. FORAKER. Will the Senator allow me to interrupt him for a moment to call his attention to the fact that this does not

provide for the extension of existing contracts, but it simply applies to contracts hereafter made?

Mr. GORMAN. Yes. It means that the present contracts with these companies are about to expire. I take it for granted that there has been wonderful improvement during the period. The original company which started this matter was entitled to consideration from the Government, and it has had it. Since then improvements have been made, and now there is a Boston company, which is constructing the works in Boston. It has so greatly improved upon the original system that it is ready to contract with the Post-Office Department for an improved service over that originally adopted. Even the contractors themselves say it would be unwise to extend the time of the contract because of the immense improvements that have been made.

Mr. President, I do not want to prevent any other Senator from making a statement, but at the proper time I shall make a point of order on the amendment. It is new legislation and the amount is not estimated for by the Department.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maryland and of the Senate to the difference between the rule in the House of Representatives and the rule in the Senate. In the House the rule is "a change of existing law." In the Senate it is "general legislation."

Mr. GORMAN. Yes.

The PRESIDENT pro tempore. There is a marked difference between the two. A provision is not necessarily general legislation because it changes existing law.

Mr. GORMAN. But there is no estimate for this appropriation.

Mr. FORAKER. What is the point of order? Does it go to the provision about contracts?

Mr. GORMAN. It goes to the whole proceeding.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. GORMAN. Certainly.

Mr. NELSON. In connection with the point of order made by the Senator from Maryland, I desire to make a point of order against the proviso in that paragraph. It is clearly new legislation.

Mr. FORAKER. Which proviso?

Mr. NELSON. The proviso in the paragraph on page 16.

Mr. FORAKER. The second proviso or the first?

Mr. NELSON. The first proviso down. It is clearly both general legislation and new legislation.

Mr. FORAKER. I do not understand that to place a limitation on the amount of obligation which may be assumed when we authorize the assumption of obligations can be said to be new legislation. I do not think the other point is well taken; but rather than have—

Mr. NELSON. I also make the same point of order against the second proviso. It is clearly general legislation and new legislation.

Mr. FORAKER. New legislation, of course; but it can not be said that it is general legislation, according to any interpretation of the term with which I am familiar. We are here making an appropriation for a particular service, and this is in the nature of a limitation upon the expenditure to be incurred. It does not apply to anything except only the specific instance. It is in the nature of a direction.

Mr. NELSON. Here is the language of the second proviso: That hereafter all contracts for pneumatic-tube service, based on competitive bidding, may be made for a term not exceeding ten years.

That is clearly a piece of legislation and new legislation.

Mr. FORAKER. That depends on what you mean by "general." It does not apply to anything except this particular part of the public service. It is not general. It does not relate to all contracts that the Post-Office Department alone might enter into. It does not follow—

The PRESIDENT pro tempore. The Chair is clearly of opinion that the second proviso is in order.

The Chair would like to state that these questions come up very frequently, and the question of general legislation is a very troublesome one to the Chair. There was a provision in the post-office appropriation bill a few years ago appropriating \$600,000 to expedite the mails to Central and South America, and there followed the appropriation of \$600,000 a description of the ships which should be used, the tonnage, the power, the speed, and all that sort of thing, occupying two or three pages of the post-office appropriation bill. The amendment was made on the motion of the present occupant of the chair.

Senator Edmunds was President of the Senate. When he first looked at it he declared it was general legislation beyond question, but after investigation, and careful investigation, he held that it was not general legislation, and could not be so

held, because it was simply a determination as to how the money appropriated should be disposed of.

Therefore, take this very provision, in the second proviso which the Senator from Minnesota [Mr. NELSON] says is general legislation. Here is an appropriation of \$800,000. This provides that hereafter all contracts for the expenditure of that money shall be so and so. Now, to the Chair, that is clearly not general legislation. It is simply a provision touching the expenditure of the money which is already appropriated in the bill.

Mr. LODGE. Mr. President, on the point that this has not been estimated for, I wish to say that the pneumatic-tube service is estimated for, and it has never been held, to my knowledge, that the Senate has not the power to increase or diminish an estimate. The service is estimated for.

Mr. FORAKER. In addition to what the Senator from Massachusetts says, it should be stated in that connection that this amendment is almost in the exact language of the recommendation of the Postmaster-General.

The PRESIDENT pro tempore. The only thing that troubles the Chair in relation to this matter is the first proviso.

Provided, That contracts for pneumatic-tube service, including those now in existence, shall not be made to exceed \$1,500,000.

The Chair on the whole, taking the entire amendment together, would be inclined to overrule the point of order.

Mr. FORAKER. That is only a limitation upon the extent to which new contracts may be made. We know to a mathematical certainty what contracts have already been entered into. Now only such additional contracts are permissible, if this amendment be adopted, as will swell the grand aggregate of the obligations to \$1,500,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. GORMAN. Does the Chair overrule the point of order?

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. GORMAN. The Chair holds that the whole amendment is in order?

The PRESIDENT pro tempore. That the whole amendment is in order.

Mr. GORMAN. Then I ask for a division of the question.

Mr. CLAY. I ask for the yeas and nays on the question of agreeing to the amendment. I dislike to take the time of the Senate, but I think we ought to go on record.

Mr. FORAKER. What is the suggestion of the Senator from Maryland?

The PRESIDENT pro tempore. Has the Senator from Maryland yielded the floor?

Mr. GORMAN. I only ask for a division; that we first vote on the amendment down to the first proviso, in line 7. It is clearly divisible.

The PRESIDENT pro tempore. The Chair does not hear the Senator from Maryland.

Mr. GORMAN. I ask that we vote first on so much of the amendment as goes down to the word "two," in line 7.

Mr. LODGE. Will the Senator restate his proposition? We do not hear him over here.

Mr. BLACKBURN. He asks for a separate vote down to the word "two," in line 7.

Mr. GORMAN. I ask for a separate vote on that part of the amendment going down to the words "nineteen hundred and two," in line 7.

Mr. LODGE. Down to the first proviso.

Mr. GORMAN. Down to the first proviso. Then the question will be simply on the amount to be appropriated, \$800,000.

Mr. LODGE. I have no objection to that, but that would remove all limitation.

Mr. FORAKER. I have no objection, and if the Senator wants it that way, I will withdraw the other part of the amendment or vote with him to strike it out.

Mr. GORMAN. I do not want it that way, but I desire a direct vote upon the increased appropriation which the Department has never suggested as necessary in the interest of the Government.

Mr. FORAKER. This increases the appropriation from \$500,000 to \$800,000, in the identical language in which the Postmaster-General, writing officially, has made the recommendation.

Mr. CLAY. Is it not true that the general law now provides that in no event shall the contracts exceed \$800,000? That is the law now on the statute book.

Mr. FORAKER. Yes, sir.

Mr. CLAY. And the Postmaster-General has never gone any further than \$500,000?

Mr. FORAKER. All the contracts made—

Mr. CLAY. This amendment, if adopted, changes the law and allows him to make contracts to the extent of \$1,500,000.

Mr. FORAKER. The amendment, if adopted, would increase the appropriation \$300,000 and restrict him as to the total amount of the obligations to a million and a half.

Mr. CLAY. Changing the present law from \$800,000 to \$1,500,000.

Mr. NELSON. I desire to call the attention of the Chair to one feature of this whole amendment. I think, with all due respect, the Chair misconstrued the force of this amendment. There are two features in it. First, it makes appropriation, and then it provides for what we call in the river and harbor bill a continuing contract.

If these contracts were limited to the appropriation contained in the bill, which is \$800,000, as a direct appropriation, then the ruling of the Chair would be correct. But it is not limited to that. It is not a provision as to how they shall expend the \$800,000, but the provision is to have continuing contracts for a million and a half. That is distinctly general legislation, and it is not working out a direct appropriation made. I think, in view of that, the amendment is clearly out of order.

Mr. LODGE. I merely desire to call the attention of the Chair to the fact that the service is performed now under continuing contracts. The only change is the difference in time.

Mr. NELSON. The Department can make a continuing contract under the appropriation as made, but here is a direct appropriation of \$800,000 and then a continuing contract greatly in excess of the appropriation.

Mr. CLAY. Will the Senator allow me to call his attention to the act itself? I have it before me. The law now provides:

That the Postmaster-General shall not * * * enter into contracts under the provisions of this act involving an annual expenditure in the aggregate in excess of \$800,000; and thereafter only such contracts shall be made as may from time to time be provided for.

Is it not true that the present law provides for a total expenditure of \$800,000, and if we change that law and make it \$1,500,000, is not that general legislation?

Mr. FORAKER. From what does the Senator read?

Mr. CLAY. I read from the law as set forth in the report of the Postmaster-General.

Mr. BLACKBURN. Mr. President, I realize that this debate is clearly out of order, but it seems to be proceeding by unanimous consent. As I understand, the point of order raised by the Senator from Maryland against the amendment has been ruled upon by the Chair, but the debate seems to be proceeding by unanimous consent on a point of order already ruled upon.

I wish to say that the Senator from Minnesota [Mr. NELSON], in my judgment, is clearly right. I realize the distinction that the Chair draws under the conflicting rules of the House and Senate between "general legislation" and "a change of existing law," but what I want to submit to the Chair is that this amendment is both a change of existing law and general legislation. This amendment, in my judgment, is out of order, whether you apply the rule of the House or the rule of the Senate, for clearly, to my mind, this amendment does both. It changes the existing law and it is new legislation. So it seems to me it is obnoxious both to the rule of the House and of the Senate.

The law read by the Senator from Georgia [Mr. CLAY] is explicit and clear that the Post-Office Department shall not make a contract nor obligate the Government beyond a given sum of money—\$800,000 a year. If this amendment is agreed to, that existing law is changed to the extent of doubling it, for it raises the power of the Post-Office Department to bind this Government to \$1,500,000 a year instead of \$800,000 a year, which under the law to-day he can not exceed. It is clearly and unquestionably a change of existing law.

The only other question to be considered here, according to the ruling of the Chair, is as to whether it is general legislation. Can any proposition come nearer furnishing the argument upon its face than this amendment does that it is general legislation, when it authorizes a Department of this Government to enter into continuing contracts? That is not a provision looking to the expenditure of a specific appropriation. A continuing contract in its very character and its very essence is of the nature of general legislation.

You are not by this amendment authorizing the Post-Office Department to expend a sum not to exceed \$1,500,000 for the coming fiscal year. You are authorizing the Department of the Post-Office to enter into continuing contracts to run until the end of time and until eternity is exhausted upon a basis that the law to-day forbids.

Mr. LODGE. Let me ask the Senator for how long a time is the Postmaster-General limited to making contracts not in excess of \$800,000 a year?

Mr. BLACKBURN. He has no authority to make contracts up to \$800,000—

Mr. LODGE. I beg pardon.

Mr. BLACKBURN. Except for the terms of that statute, which this amendment seeks to repeal.

Mr. LODGE. Does it?

Mr. BLACKBURN. It does.

Mr. LODGE. Has the Senator read it? I will ask the Senator from Ohio to read it.

Mr. BLACKBURN. The Senator from Georgia has read it.

Mr. FORAKER. I have the statute here. The Senator from Georgia read a part of it.

Mr. BLACKBURN. Let the Senator from Ohio read it all.

Mr. FORAKER. I think it makes a very different state of law.

Mr. BLACKBURN. Let us have it.

Mr. FORAKER. And I call the attention of the Chair to it particularly.

That the Postmaster-General shall not, prior to June 30, 1904, enter into contracts under the provisions of this act involving an annual expenditure in the aggregate in excess of \$800,000—

That being the amount appropriated for that year—

and thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the postal service; and all provisions of law contrary to those herein contained are repealed.

Mr. LODGE. The statute confers the power to do this.

Mr. FORAKER. The statute provides that such contracts may be made as may from time to time be provided for in the annual appropriation act. That is the general law.

Mr. BLACKBURN. I am obliged to the two Senators from Massachusetts and Ohio for adding this much light to the present situation. It only emphasizes the indefensibility of this amendment, because, as I understand this amendment, it puts no limitation upon the time or the duration of the continuing contracts. The law which this amendment seeks to repeal does limit it as to the time. This amendment once adopted throws off the limit, and there is no longer any time limit on the power of the Post-Office Department. Practically, this amendment has but two results; one is, in round numbers, to double the amount of the discretion by doubling the amount of money that may be expended in this direction, and the other is to throw off the time limit which the present statute imposes.

But I submit, with as full an appreciation as any Senator holds of the capacity of the President of the Senate as a parliamentarian and as to his fairness in construing the rule, for no one will go further than I do to testify as to both; but, with every measure of consideration and respect for both, I submit that this amendment is obnoxious upon its face to the established rule, both of the House and of the Senate.

Mr. McCOMAS. May I make a suggestion?

The PRESIDENT pro tempore. What does the Senator from Maryland say?

Mr. McCOMAS. I wish to make a suggestion; if the Chair will permit me. Unless following the word "dollars," in line 10 of the present provision, the word "annually" is inserted, contracts now existing and those to be made for a term of not only four, but ten years combined, shall not exceed \$1,500,000. Without the word "annually" in line 10 it would mean that the total should not exceed one million and a half, taking all the contracts combined. Whatever may be done with the amendment, the word "annually" ought to be inserted after the word "dollars," in line 10, to make the meaning intended by the amendment itself.

Mr. FORAKER. I hope the chairman having the bill in charge will agree to that amendment to the amendment. There is no objection to it. That is the purpose of it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CLAY. I beg pardon. What was the amendment?

The PRESIDENT pro tempore. The question is on the amendment on page 16.

Mr. CULBERSON. Mr. President, I call the attention of the Chair to the request of the Senator from Maryland [Mr. GORMAN], that the question shall be divided.

The PRESIDENT pro tempore. The Chair thinks the Senator from Maryland has a right to have it divided. The Chair thinks each proposition would by itself stand alone, and therefore it is susceptible of a division.

Mr. CLAY. I did not exactly catch the amendment. I ask that it be read.

The PRESIDENT pro tempore. It is the amendment the Senator has been discussing on page 16. The Senator from Maryland [Mr. GORMAN] demanded a separate vote on the first five lines of the amendment, including, as the Chair understood

him, the word "eight," in the second line of the paragraph. The Chair understood the Senator from Maryland to ask for a division on this amendment.

Mr. GORMAN. I do.

The PRESIDENT pro tempore. And that the first division should cover the first five lines, including the increase from five to eight hundred thousand dollars. The Chair thinks the Senator has a right to that division.

Mr. CLAY. I understood that the Senator from Maryland [Mr. McCOMAS] offered an amendment.

Mr. McCOMAS. I moved to amend by inserting the word "annually" after "dollars," in line 10.

Mr. FORAKER. That is accepted, I understand.

Mr. McCOMAS. I understand that it is accepted.

The PRESIDENT pro tempore. That does not touch the portion of the amendment which the Senator from Maryland [Mr. McCOMAS] desires to have considered first.

Mr. McCOMAS. I only wanted to insert, in line 10, after the word "dollars," the word "annually."

Mr. LODGE. That is not being voted on now.

Mr. BLACKBURN. That is not before the Senate now.

Mr. McCOMAS. But it will be pending, and I understand it will be acceptable.

Mr. BLACKBURN. No; it is objected to.

Mr. FORAKER. I do not know by whom.

Mr. BLACKBURN. By me.

Mr. FORAKER. Oh!

The PRESIDENT pro tempore. The Secretary will state the question now before the Senate.

The SECRETARY. The committee amendment, on line 4, page 16, is to strike out the word "five" and insert the word "eight;" so as to read "\$800,000;" and after the word "dollars," in the same line, to insert:

and the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902;

So as to read:

For transmission of mail by pneumatic tubes or other similar devices, \$800,000, and the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been read. [Putting the question.] By the sound, the yeas have it.

Mr. FORAKER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. The question is on the first half of the amendment on page 16?

The PRESIDENT pro tempore. It is, down to the first proviso.

Mr. LODGE. Including the appropriation of \$800,000?

The PRESIDENT pro tempore. Including the appropriation of \$800,000.

Mr. DRYDEN. I should like to ask what is the question. I have just come into the Chamber.

The PRESIDENT pro tempore. The question is on agreeing to the first five lines on page 16, the amendment increasing the appropriation from \$500,000 to \$800,000, and then the following lines down to the word "Provided." The Secretary will call the roll on agreeing to this amendment.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I will transfer to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NEWLANDS], and I withhold my vote.

Mr. WARREN (when his name was called). I will ask if the senior Senator from Mississippi [Mr. MONEY] has voted?

The PRESIDENT pro tempore. He has not, the Chair is informed.

Mr. WARREN. I am paired with that Senator, and I withhold my vote.

The roll call was concluded.

Mr. BEVERIDGE. I wish to inquire whether the senior Senator from Montana [Mr. CLARK] has voted?

The PRESIDENT pro tempore. He has not, the Chair is informed.

Mr. BEVERIDGE. Not knowing how the Senator from Montana would vote if present, I will withhold my vote.

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. McENERY] to the Senator from Connecticut [Mr. HAWLEY], and vote "yea."

The result was announced—yeas 30, nays 31, as follows:

YEAS—30.

Alger	Dick	Kearns	Platt, N. Y.
Ball	Dillingham	Kittredge	Proctor
Bard	Dryden	Lodge	Quarles
Burnham	Fairbanks	McComas	Scott
Clark, Wyo.	Foraker	McCumber	Smoot
Crane	Gallinger	Penrose	Spooner
Cullom	Hayburn	Perkins	
Depew	Kean	Platt, Conn.	

NAYS—31.

Allison	Culberson	Gorman	Overman
Ankeny	Daniel	Hale	Patterson
Bacon	Dietrich	Latimer	Pettus
Bailey	Dolliver	Long	Stewart
Bate	Dubois	Mallory	Stone
Blackburn	Frye	Martin	Taliaferro
Carmack	Fulton	Millard	Teller
Clay	Gibson	Nelson	

NOT VOTING—29.

Aldrich	Clarke, Ark.	Hopkins	Newlands
Allee	Cockrell	Knox	Simmons
Berry	Elkins	McCreary	Tillman
Beveridge	Foster, La.	McEnery	Warren
Burrows	Foster, Wash.	McLaurin	Wetmore
Burton	Gamble	Mitchell	
Clapp	Hansbrough	Money	
Clark, Mont.	Hawley	Morgan	

So the first division of the amendment was rejected.

Mr. PENROSE. I desire to withdraw the balance of the amendment as it is now of no value, or rather the first proviso. The question is whether the second proviso should be withdrawn.

Mr. FORAKER. I give notice that when the bill is reported to the Senate I will reserve the right to offer this amendment in the Senate.

Mr. CLAY. Did the Senator withdraw the entire amendment?

Mr. BLACKBURN. Yes; the balance is withdrawn.

Mr. PENROSE. I withdraw the balance of the amendment. The PRESIDENT pro tempore. The amendment, then, is disagreed to.

Mr. LODGE. I take it that it can be offered in the Senate.

The PRESIDENT pro tempore. It can. The next amendment which was passed over will be stated.

The SECRETARY. On page 17, line 18, after the word "million," strike out the words "eight hundred" and insert "nine hundred and fifty;" so as to read:

For railway post-office car service, \$5,950,000.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The SECRETARY. On page 27, after line 2, to insert:

SEC. 2. That hereafter fourth-class matter when mailed in packages not exceeding 16 ounces in weight shall be subject to the rate of 1 cent for each 2 ounces or fraction thereof.

Mr. DOLLIVER. I desire to make a point of order against that amendment.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. DOLLIVER. The point of order is that it is new and general legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order. The next amendment which was passed over will be stated.

The SECRETARY. Insert as a new section the following:

SEC. 3 [2]. That hereafter the rate of postage on packages of books or merchandise mailed at the distributing post-office of any rural free delivery to a patron on said route shall be 3 cents for each pound or any fraction thereof. This rate shall apply only to packages deposited at the local post-office for delivery to patrons on routes emanating from that office, or collected by rural carriers for delivery to the office from which the route emanates, and not to mail transmitted from one office to another, and shall not apply to packages exceeding 5 pounds in weight.

Mr. McCUMBER. I should like to have the Senator in charge of the bill explain wherein this section changes the present law and also the objects sought by this new legislation.

Mr. LODGE. I reserve the point of order on it, Mr. President.

Mr. PENROSE. Is the point of order insisted upon?

Mr. LODGE. I reserve the point of order, if the Senator wants to make a statement.

Mr. PENROSE. No; if the point of order is to be pressed I will not take up the time of the Senate to make a statement. I have a memorandum here from the Department.

Mr. LODGE. I should like to hear the Senator's statement.

Mr. PENROSE. I will read to the Senate an extract from a communication received from the Acting Fourth Assistant Postmaster-General, as follows:

With the establishment of rural mail delivery and the increasing extension of rural telephone service by private interests there has grown

up a demand by the patrons of the rural service for the delivery of small packages of merchandise, such as food stuffs, tobacco, dry goods, drugs, etc., on an order to the local merchant by postal card, telephone, or otherwise. The value of these packages of merchandise is usually small, and the present rate of postage of 1 cent per ounce is practically prohibitive. The patron or merchant can not afford to pay 16 cents for the delivery of a pound of coffee or tobacco, or similar article, but if a special rate were established on such matter from the distributing office for delivery to any patron on the rural routes from that office, or for delivery in the office from a patron on the route, it would be a great convenience to the patrons and become a source of revenue to the Department.

This will be accomplished by fixing a rate of 3 cents per pound or any fractional part thereof on packages of books or merchandise not exceeding 5 pounds. The carrying of such matter at the rate of 3 cents per pound would be remunerative for the reason that there would be no added expense, inasmuch as it is expressly provided that such rate shall not apply to the transmission of mail matter from one office to another, and there is, therefore, no additional expense for railroad transportation.

This provision does not contemplate the admission to the mails of any matter which is not now admitted.

The PRESIDENT pro tempore. Will the Senate agree to the amendment?

The amendment was agreed to.

The PRESIDENT pro tempore. Section 4 has been agreed to.

Mr. LODGE. Is section 4 agreed to?

The PRESIDENT pro tempore. So the Clerk says.

Mr. LODGE. It has not been read or agreed to in my hearing. I have been following the bill carefully.

Mr. PENROSE. The Senator from Massachusetts was out of the Chamber at the time.

Mr. LODGE. Then it will be open to a point of order in the Senate, I suppose.

Mr. PENROSE. The Senator from Maryland rose to make an inquiry as to the section, and I read a communication from the Post-Office Department. I can read it again.

Mr. LODGE. I think I understand it. The proviso is retroactive, and it seems to me to be the most objectionable legislation. If I had been present when it was read, I should have made the point of order, but I can make it, I presume, in the Senate. It is clearly general legislation.

Mr. PENROSE. I admit all that. I have no particular interest in the amendment. It comes from the Department. The Department states that recently a ruling of the Comptroller's office has rendered them unable to refund the postage paid for mail matter which has subsequently been withdrawn from the mails for various reasons or where the service has not been performed.

Mr. LODGE. I see. I misunderstood the purpose of the refund. I have no objection to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. McCOMAS. I ask that the amendment which I offered and which the Committee on Post-Offices and Post-Roads favorably reported may be inserted on page 19.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. On page 19, after line 2, insert:

In the assignment or transfer of clerks from the Railway Mail Service, however, preference shall be given to the persons honorably discharged from the military or naval service who served in the war of the rebellion and who are now serving as clerks on the railway mail cars, in order that they may be transferred to clerical service in the Department or in the post-offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred.

Mr. BACON. I ask who is the introducer of that amendment?

The PRESIDENT pro tempore. The Senator from Maryland [Mr. McCOMAS].

Mr. McCOMAS. I will say that the committee—

Mr. BACON. I suggest to the Senator from Maryland to strike out the words "war of the rebellion" and insert "civil war."

Mr. McCOMAS. I agree to that modification. The reason why I put it that way was that it is in the civil-service regulation. I copied the term there used.

Mr. BACON. I hope the Senator will not consider that a sufficient reason, but will change it.

Mr. McCOMAS. I think the Senator's suggestion is correct.

Mr. CARMACK. I suggest to insert in lieu of "civil war" the words "war of secession."

Mr. BACON. No. The term "civil war" is all right. That is now recognized as the courteous nomenclature.

Mr. McCOMAS. As I said, I followed the language of the civil-service regulation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. PENROSE. I have two committee amendments to offer simply correcting the phraseology. The first is to come in on page 27, line 9. I ask the Secretary to read the amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 27, line 9, strike out, after the word "delivery," the words "to a patron on said route" and insert in lieu thereof the words "route for delivery thereon."

The amendment was agreed to.

The SECRETARY. On page 27, line 25, after the word "of," insert the words "the passage of."

The amendment was agreed to.

Mr. GORMAN. Is the Senator through?

Mr. PENROSE. Yes; I am through.

Mr. GORMAN. I move to strike out on page 20, line 17, after the word "service," all down to and including line 2, on page 21.

The PRESIDENT pro tempore. The Senator from Maryland moves to strike out the following words, which will be read.

The SECRETARY. On page 20, line 17, after the word "service," strike out the following:

Except that the sum of \$172,600 of the sum in this item appropriated is hereby made available for the purpose of covering the cost of mail service by underground electric cars in the city of Chicago, Ill., during the fiscal year 1906. And the Postmaster-General is authorized to contract for said underground service in Chicago at an annual rate not exceeding said sum of \$172,600 for a period not exceeding four years.

Mr. GORMAN. Mr. President, I am sorry that the Senator from Illinois [Mr. CULLOM] is not present. He is engaged upon the Committee on Appropriations, I presume.

I wish to call the attention of the Senator from Pennsylvania who is in charge of the bill to this provision.

Mr. GALLINGER. I will say to the Senator from Maryland that I have asked that the Senator from Illinois may be invited to come in.

Mr. GORMAN. I wish to call the attention of the chairman of the committee, the Senator from Pennsylvania, to the provision I propose to strike out. It authorizes the Postmaster-General to contract with the underground electric car companies in the city of Chicago at a fixed sum of \$172,000 for that service.

I call his attention to the fact that in an act of a year ago, at the earnest solicitation of the Representatives from Illinois, we inserted a provision providing for that service on the distinct statement that it would not very largely increase the cost of the service and would dispense with the wagon service. It appears that since then the wagon service has been continued and no contract was made with the companies owning the underground route. Now, without, so far as I know, any special reason for it, a specific sum is appropriated for the service, making a very large increase, when we were led to believe at the time we recognized the service that there would be a decrease in the expenditure. I should like to have some explanation of this extraordinary provision from the Senator from Illinois, if he has it convenient. I am glad to see the Senator from Illinois present. I call his attention to it.

Mr. CULLOM. What item is the Senator from Maryland calling my attention to?

Mr. GORMAN. I was calling the attention of the chairman of the committee to it, in the absence of the Senator. I should like to have a statement from him as to what it means.

The PRESIDING OFFICER (Mr. KEAN in the chair). The attention of the Senator from Pennsylvania, the chairman of the Committee on Post-Offices and Post-Roads, is desired.

Mr. PENROSE. I should like to understand just what the Senator from Maryland wants to know, and I would be glad to answer it. I heard his objection in a general way to the amendment, but in the confusion prevailing in this part of the Chamber I did not catch exactly the nature of the inquiry he desired to make.

Mr. GORMAN. I asked the Senator in charge of the bill for some explanation of this item. There is a specific appropriation for this underground service in the city of Chicago when the Postmaster-General does not recommend it. We provided in the act last year, in conformity with the request and urgent wish of Senators from that State, \$100,000 for that service, on the statement that it would relieve a greater part of the expenditure for wagon service. Last year \$100,000 was appropriated on that account. There has been no contract whatever made, I understand, for the service of the underground electric road.

There is no estimate for this increase, no suggestion from the Postmaster-General that it would be a wise thing for the Department, and therefore I have moved to strike it out and to permit the act of last year to stand, on the statement of the

Assistant Postmaster-General and all who spoke upon that subject in the Senate that the appropriation of \$100,000 would be sufficient and, indeed, would save something to the Government. That still remains in the hands of the Postmaster-General, and in the absence of the slightest recommendation from anybody on the face of the earth it is proposed to insert a provision giving \$72,000 more to a company for the performance of a service not suggested in any official communication or by the Postmaster-General. Therefore I move to strike it out.

Mr. PENROSE. Mr. President, this is a House provision.

Mr. GORMAN. Yes.

Mr. PENROSE. The Senate committee concurred in the proposition of the House. As I understand it, the appropriation made by the bill last year never went into effect, and no contracts were made under that appropriation with this tunnel company. The thought is that ultimately it will diminish the cost of the wagon service. It can not, of course, be claimed that it has done so yet, because the matter has not got into operation. To get an adequate wagon service in the city of Chicago would cost, I understand, over \$175,000 a year at the lowest estimate. The thought is that if the Government should avail itself of this extraordinary system of tunnels which have been constructed under the streets of Chicago ultimately the wagon service would be reduced.

It can not be safely claimed, Mr. President, that there is always a decrease in proportion to the appropriation made for these superior services. There are other elements involved, such as the rapidity of transmission of mail through congested centers and the ultimate increase of business on account of the rapid delivery of the mail, all of which enter into the problem; and all, I suppose, that the Government officials can say is that ultimately there will be a decrease in the wagon service, and that to obtain adequate wagon service, and even that not approaching in any way the facilities furnished by this tunnel system, an appropriation nearly twice as large as that at present provided for the city of Chicago would have to be made.

Mr. GORMAN. I should like to interrupt the Senator from Pennsylvania for a moment.

Mr. PENROSE. Certainly.

Mr. GORMAN. I wish to call the Senator's attention to the fact that the whole contract price of that service is only \$106,000.

Mr. PENROSE. That was last year.

Mr. GORMAN. Yes, last year; but the Postmaster-General and the Second Assistant Postmaster-General, the latter having charge of this matter, recommend for that entire service, for the carrying of the mails, only \$600,000. Though we all know that the estimates of that Department are sufficient to carry on the mail service without any addition, yet here comes in a provision for \$72,000 more than the Postmaster-General asked. I know the provision came from another branch of the Government—the House of Representatives; but I suggest to the Senator in charge of the bill that it is our duty to amend by decreasing as well as increasing, and unless information be furnished us by some official who has examined this subject, to show that this increase is necessary, I shall insist on its going out.

Mr. PENROSE. I would refer the Senator from Maryland to page 102 of the hearings before the Committee of the Senate on Post-Offices and Post-Roads. Mr. Shallenberger appeared before that committee and made the following statement:

Mr. SHALLENBERGER. The underground in Chicago last year was provided for by different phraseology, as I recall it now. I have not the wording of the bill, but it provided that \$100,000 of this amount might be used by the underground service in Chicago, together with whatever amount could be saved out of the wagon service then under contract. We found that by a very close and persistent effort we succeeded in getting a proposition from the Chicago Tunnel Company for \$172,400, leaving about \$32,600, I think, for the remaining wagon service that would be necessary. That furnished the basis for the committee this year. They said: "If you have been able to secure that contract under the phraseology of last year, we will accept that as the fair and equitable amount which that tunnel company shall receive for the next four years."

On page 128 of his report the Postmaster-General quotes the act of last year, as follows:

For mail-messenger service, \$1,200,000, and for the performance of this service in the city of Chicago by underground electric cars, \$100,000.

The Postmaster-General then says:

Pursuant to this act this Office has had several interviews with the president of the Illinois Telephone Construction Company looking to the inauguration of some practical plan for underground electric service for the transportation of the mails through the tunnel system, but up to the present time the company has not seen its way to submit a definite proposition for the performance of such service. However, the matter is still pending, and the Department confidently expects to be able to submit some definite information and recommendation to Congress before the next appropriation act shall be completed.

Therefore the negotiations were pending during the writing of the Postmaster-General's report and that subsequently made

by Mr. Shallenberger to the House committee and to the Senate committee, as I have already indicated.

Mr. CULLOM. Mr. President, not being on the Committee on Post-Offices and Post-Roads, and being engaged on another committee during the day, I have not heard any of the discussion with reference to any portion of this bill. I have just come into the Senate at the suggestion of a friend that I was needed in the Chamber; I did not know for what reason, but I now find that the inland transportation by electric cars, cable cars, etc., is under consideration.

I am not familiar with the facts as to whether or not those tunnels have been used by the Post-Office Department. I understand there has been no contract yet made, but there is no doubt, in my judgment, that the Post-Office Department ought to utilize those subways, 25 or 30 miles of which are under the streets of the city of Chicago. There is no question but that the use of those tunnels would be the best way to transport the mails from one depot to another or around the city. While I am not advised as to the particulars of the testimony which has been taken before the Senate committee, I hope that the Senator from Maryland [Mr. GORMAN] will allow this provision to remain in the bill; for I have no doubt but that the House acted wisely in inserting it, as it is almost absolutely necessary to have those underground railways through the city in order to transport the mails in anything like a rapid way. So, while the Senator from Maryland complains that there is no special testimony here, still the chairman of the committee has read the statement of the Second Assistant Postmaster-General, who seems to be entirely familiar with the situation, and who has gone forward with the expectation of getting a contract made that will be the best contract that can be secured for transporting the mails in the city of Chicago.

I will further say to the Senator that, so far as I am concerned, when this bill gets into conference, as it undoubtedly will, if there is not sufficient testimony to support the proposition to make this appropriation, I myself will be in favor of taking out the provision. I think, however, the evidence has already been adduced by the chairman of the committee indicating that the best thing to do is to make this appropriation, let the matter be considered by the conferees, if necessary, and to proceed with the bill.

Mr. GORMAN. The Senator from Illinois has suggested that the best way would be to have this matter settled in a committee of conference; but if we do not strike out this provision, it can not be before the committee of conference. I shall be content if the Senator will have the clause amended by striking it out, and then it will be competent for the conferees to consider the question.

Mr. CULLOM. I do not want to do that. I am willing, however, that the Senator shall move a slight amendment which will put the matter in conference, where it may be investigated more fully; and then, if the Senator is not entirely satisfied that the proposition is proper as it stands, it can go out.

Mr. GORMAN. Then, will the Senator accept an amendment, on page 20, line 18, striking out the words "and seventy-two thousand six hundred;" so as to leave the amount "\$100,000," as the act of last year left it, although probably that may not be sufficient.

Mr. CLAY. I hope the Senator from Illinois will accept that amendment. He will find that in the hearings before the committee only \$106,000 was asked last year for the wagon service.

Mr. CULLOM. I should be willing, for the sake of getting the matter into conference, to strike out "seventy-two" and insert "fifty;" so as to make the amount "\$150,600."

Mr. GORMAN. I withdraw my amendment.

Mr. PENROSE. I accept the amendment suggested by the Senator from Illinois [Mr. CULLOM].

Mr. CULLOM. I do not make that suggestion in the belief that any portion of the sum should be stricken out; but as I am not familiar with the testimony, and my colleague [Mr. HOPKINS] not being present on account of illness, I am willing to let the provision go into conference in that way for the sake of further investigation.

Mr. GORMAN. I understand the amendment is to strike out "seventy-two thousand" and insert "fifty thousand."

The PRESIDING OFFICER. It is. The amendment proposed by the Senator from Illinois [Mr. CULLOM] will be stated.

The SECRETARY. On page 20, line 18, before the word "thousand," it is proposed to strike out "seventy-two" and insert "fifty;" so as to read:

For inland transportation of mail by electric and cable cars, \$772,600: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service. Except that the sum of \$150,600 of the sum in this item appropriated is hereby made available for the purpose of covering the cost of mail service by underground electric cars in the city of Chicago, Ill., during the fiscal year 1906.

The amendment was agreed to.

Mr. McCOMAS. Mr. President, for the sake of saving time, I ask unanimous consent that the letter which I send to the desk, addressed to the chairman of the Committee on Post-Offices and Post-Roads of the Senate, in respect to the transfer of ex-soldiers from the Railway Mail Service to clerkships in the Post-Office Department and in the post-offices, may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 23, 1905.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your communication of this date, inclosing a proposed amendment to H. R. 17865, the bill making appropriations for the service of the Post-Office Department for the next fiscal year, and asking me for an expression of my opinion in regard thereto for the information of the committee.

The proposed amendment will affect three branches of the postal service, namely, the departmental force, the railway post-office clerk force, and the clerical force in post-offices of the first and second classes.

As representing the departmental force, the chief clerk of the Department advises me as follows:

"I can see no objection, so far as this office is concerned, to the amendment intended to be proposed by Mr. McCOMAS to bill H. R. 17865."

As representing the railway post-office clerks, the General Superintendent of Railway Mail Service has expressed the following opinion:

"There were on the books of the Railway Mail Service on February 13, 1905, 12,071 clerks (including chief clerks) regularly employed in the service, of which 1,005 were in detailed positions in the general superintendent's office, the division superintendents' offices, the chief clerks' offices, and the offices of the transfer clerks in various parts of the country.

"Our records show that of the above number there were 520 who were ex-soldiers of the civil war, 110 of that number being in detailed positions.

"The bill lately introduced by Senator McCOMAS, which seeks to provide for the transfer from the Railway Mail Service of these old soldiers to clerkships in the Department and in post-offices, would be of advantage to the postal service, because the knowledge they have acquired by long experience and hard study should be of value in certain positions in the Department and in post-offices. It would, furthermore, provide somewhat easier positions for worthy men who now find it difficult to keep up with the hard work and study necessary on railway post-office lines of any magnitude; and, as the transfers proposed to be provided for would relieve them of the strain incident to work in rapidly moving trains, of hard study, and of the nervous tension due to the hazard of the position, it would seem fitting for the Government to round out, by a proper provision, the career of these veterans.

"In addition to providing somewhat less trying positions for these men during the few remaining years they can reasonably expect to live, it will open up places for young men, who will enter the Railway Mail Service under civil-service methods, which prescribe that a man to be eligible for appointment to this service must not only pass the educational test required, but must be between the ages of 18 and 35 years, must be at least 5 feet 6 inches tall, must weigh at least 135 pounds, and be in first-class condition—just such material, in fact, as our ranks have been recruited from for a long time."

As representing the clerical force in post-offices of the first and second classes, the Acting First Assistant Postmaster-General has furnished me with a memorandum to the following effect:

"The effect of the amendment proposed by Senator McCOMAS to H. R. 17865, giving preference in the matter of transfers from the Railway Mail Service to persons honorably discharged from the military and naval service who served in the war of the rebellion, to clerical service in the Department and the post-offices, will be, undoubtedly, to bring about the transfer to the first and second class post-offices throughout the country of all such persons. Such transfers are now legal and are often made. This amendment simply gives the old soldiers the preference. I presume anyone, no matter what his age, competent to act as a railway mail clerk, possesses the business capacity necessary for the proper discharge of similar duties as a post-office clerk, and I think the old soldiers should be specially favored as proposed by the bill. It will necessarily result, however, in adding 400 or 500 men to the post-offices throughout the country, each of whom must be at least 60 years of age."

In view of the fact that the gradual transfer or assignment of this limited class of faithful and efficient clerks from the Railway Mail Service to the various post-offices throughout the country—which, I presume, will be the effect of the amendment rather than to cause their assignment or transfer to the departmental force at a distance from their old homes and associations—will not necessarily retain them in the service beyond the period of their usefulness, I incline to agree with the conclusions reached by the General Superintendent of Railway Mail Service, and recommend the adoption of the amendment.

Very respectfully,

W. S. SHALLENBERGER,
Acting Postmaster-General.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. FORAKER. I move to amend, on page 16, line 4, by striking out the word "five" and inserting the word "eight," and then following at the end of that line, after the word "dollars," to insert:

And the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902.

I have taken the liberty of dividing the amendment in view of the fact that the Chair has ruled that it is a divisible proposition. I ask for the yeas and nays on the amendment.

Mr. GALLINGER. Let the amendment be read, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio [Mr. FORAKER] will be stated.

The SECRETARY. On page 16, in line 4, after the word "devices," it is proposed to strike out "five" and insert "eight;" and after the word "dollars," at the end of the same line, to insert:

And the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902.

So as to read:

For transmission of mail by pneumatic tubes or other similar devices, \$800,000, and the Postmaster-General is hereby authorized to provide for the extension of the service under the act of April 21, 1902.

The PRESIDING OFFICER. On this amendment the Senator from Ohio [Mr. FORAKER] has demanded the yeas and nays.

Mr. GORMAN. Mr. President, as the yeas and nays have been demanded, I desire to have a separate vote on the first proposition.

Mr. FORAKER. I have only offered the first proposition. I announced that, in view of the action of the Chair, holding the proposition to be divisible, I would offer only the first part of it.

Mr. GORMAN. The Senator's amendment is in the same language as that contained in the bill as reported by the committee.

Mr. FORAKER. Precisely.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DEPEW (when his name was called). I am paired with the Senator from Louisiana [Mr. McENERY], but I transfer that pair to the Senator from Connecticut [Mr. HAWLEY] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I am paired with the junior Senator from Louisiana [Mr. FOSTER], but I will transfer that pair to the Senator from Delaware [Mr. ALLEE] and will vote. I vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I will withhold my vote.

Mr. WARREN (when his name was called). I inquire if the senior Senator from Mississippi [Mr. MONEY] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Mississippi has not voted.

Mr. WARREN. I am paired with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILMAN] to the senior Senator from Rhode Island [Mr. ALDRICH] and will vote. I vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the junior Senator from Missouri [Mr. STONE]. I do not observe that Senator here, and therefore withhold my vote.

The result was announced—yeas 34, nays 27, as follows:

YEAS—34.

Alger	Dick	Heyburn	Perkins
Ball	Dillingham	Kean	Platt, Conn.
Bard	Dryden	Kearns	Platt, N. Y.
Beveridge	Fairbanks	Kittredge	Proctor
Burnham	Foraker	Lodge	Scott
Burrows	Foster, Wash.	McComas	Smoot
Crane	Gallinger	McCumber	Spooner
Cullom	Gamble	Millard	
Depew	Hansbrough	Penrose	

NAYS—27.

Allison	Clay	Gorman	Newlands
Ankeny	Daniel	Long	Overman
Bacon	Dietrich	McCreary	Patterson
Berry	Dolliver	Mallory	Pettus
Blackburn	Dubois	Martin	Tallaferro
Carmack	Frye	Morgan	Teller
Clark, Mont.	Gibson	Nelson	

NOT VOTING—29.

Aldrich	Cockrell	Knox	Stewart
Allee	Culbertson	Latimer	Stone
Bailey	Elkins	McENERY	Tillman
Bate	Foster, La.	McLaurin	Warren
Burton	Fulton	Mitchell	Wetmore
Clapp	Hale	Money	
Clark, Wyo.	Hawley	Quarles	
Clarke, Ark.	Hopkins	Simmons	

So the amendment of Mr. FORAKER was agreed to.

Mr. FORAKER. In view of the objections that have been indicated to the provisions which follow, I shall not offer them.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. GALLINGER and Mr. McCUMBER addressed the Chair. The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GALLINGER. The Senator from North Dakota desires to call up the pension appropriation bill, and I yield to him.

Mr. McCUMBER. I desire at this time to call up the pension appropriation bill, and I ask unanimous consent for its present consideration. There are no amendments to the bill, and it will take but a few minutes to pass it.

Mr. GALLINGER. Mr. President, for the information of Senators, I will say that as soon as the pension appropriation bill is disposed of, which will probably take only a few moments, I will then ask that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the present consideration of the pension appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17330) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of House bill 18809.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the river and harbor bill. Is there objection?

Mr. McCREARY. I ask the Senator from New Hampshire to yield to me for just a moment, so that I may call up a bridge bill which is very important. It is necessary that it should be passed by the Senate. It has already passed the House of Representatives.

Mr. GALLINGER. Mr. President, the business of the Senate has progressed so rapidly to-day and, as I do not apprehend any very serious difficulty in getting the river and harbor bill through, as I am sure Senators will offer very few amendments, I feel like yielding to two or three Senators who have spoken to me about bills. I first yield to the Senator from Kentucky [Mr. McCREARY].

CUMBERLAND RIVER BRIDGE AT CANTON, KY.

Mr. McCREARY. I ask unanimous consent for the present consideration of the bill (H. R. 19140) to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. LODGE. I desire to give notice that after the conclusion of the river and harbor bill I shall move that the Senate proceed to the consideration of executive business. It is very necessary to have an executive session.

INVESTIGATION OF LEPROSY IN HAWAII.

Mr. MORGAN. I am directed by the Committee on Public Health and National Quarantine, to whom was referred the bill (H. R. 16914) to provide for the investigation of leprosy, with special reference to the care and treatment of lepers in Hawaii, to report it without amendment. I ask unanimous consent that the bill may be put on its passage at this time.

The PRESIDING OFFICER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERNANDO J. MORENO.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 621) for the relief of Fernando J. Moreno.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5, after the word "of," to strike out "\$22,277.60" and insert "\$5,000;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Fernando J. Moreno, or his lawfully appointed guardian, the sum of \$5,000, out of any money in the Treasury not otherwise appropriated, in full compensation as fees

and for services and money expended in guarding and caring for 1,430 African slaves brought to Key West, Fla., by the United States vessels *Crusader*, *Mohawk*, and *Wyandotte* in the year 1860, the said Moreno being requested and directed to perform said service by the authorities of the United States while he was holding the office of United States marshal for the southern district of the State of Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSION OF ST. JAMES, WASHINGTON.

Mr. GALLINGER. I promised to yield to the Senator from Kentucky.

Mr. BLACKBURN. I ask unanimous consent to call up at this time the bill (H. R. 1520) for the relief of the Mission of St. James, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Right Reverend Bishop of Nesqually, in the State of Washington, as trustee of the Mission of St. James, \$25,000 upon filing in the proper Department a release to the United States of all claim to the land embraced within the limits of the military reservation at Vancouver, Wash., and of all claim for damages for destruction of property on or near there by the United States troops or volunteers or Indians at any time anterior to the date of the release.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LAWS OF HAWAII.

Mr. FORAKER. I wish to ask unanimous consent for the present consideration of a bill.

Mr. GALLINGER. I will say at this point that I will yield to the Senator from Ohio [Mr. FORAKER], to the Senator from North Dakota [Mr. HANSBROUGH], and to the Senator from New York [Mr. DEPEW], and then I shall ask that the river and harbor bill be proceeded with.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 18641) to amend sections 56 and 80 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pacific Islands and Porto Rico with an amendment, on page 2, after line 3, to insert as a new section the following:

SEC. 3. That section 86 of the aforesaid act be amended by adding the following at the end of said section: "Provided, That writs of error and appeals may also be taken from the supreme court of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of \$5,000."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend sections 56, 80, and 86 of 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900."

NORTHERN PACIFIC RAILROAD CONVEYANCES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 17580) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all conveyances heretofore made by the Northern Pacific Railroad Company, or by the Northern Pacific Railway Company, of lots 1, 2, 3, 4, 5, 6, and 7 in block 6, and lots 18 and 19 in block 5 in the first addition to the third addition to railroad addition, in the city of Spokane, State of Washington, shall be legalized, validated, and confirmed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON S. BOWDISH.

Mr. DEPEW. I ask for the present consideration of the bill (H. R. 15322) correcting the record of Nelson S. Bowdish.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Nelson

S. Bowdish shall be considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Forty-third New York Infantry Volunteers on the 5th day of September, 1861, and the charge of "absent without leave" standing against him upon the records of that regiment shall be considered to be erroneous and without effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTAGIOUS DISEASES OF ANIMALS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

Your attention is respectfully called to the necessity of passing some legislation at this session which will supplement existing law intended to prevent the spread of contagious diseases of animals from one State to another or to foreign countries. Two bills, each designed to cure defects in existing law, are now pending before the Congress. The measures are practically identical. One is H. R. 17589, the other S. 7167. These bills have been favorably reported by the Committee on Agriculture of both branches of Congress.

Recent decisions of the Federal courts have held that the statutory powers of the Secretary of Agriculture are inadequate to enforce regulations that prohibit the interstate movement of animals which have been exposed to contagion, but which at the time of shipment have not yet developed visible signs of disease.

The right of the Secretary of Agriculture to regulate interstate movement of animals exposed but not actually diseased must be recognized if the spread of such diseases from State to State and to other countries is to be prevented; and yet this right has recently been attacked in two cases filed in the Supreme Court of the United States, and the Secretary of Agriculture is advised that the trend of recent decisions makes it probable that the Supreme Court may hold that the existing law is not sufficiently clear as to the steps which may be taken to accomplish this object. Each of the bills referred to in this message is accompanied by an able report, which points out the necessity, from a legal standpoint, for the enactment of this legislation.

I fear, if no remedial legislation be granted at this session, that it may be impossible to continue to enforce the necessary measures for controlling this class of diseases, and that serious, widespread, and irreparable injury will be caused to the live-stock interests of the United States. If the Federal quarantine is rendered ineffective, State will quarantine against State, each requiring compliance with differing statutes; the way to market may be blocked or rendered very difficult for shippers of live stock; contagious diseases of live stock may be so disseminated through the stock yards and channels of commerce that foreign countries will restrict the export of animals and possibly meats from the United States, all of which would be disastrous to the live-stock industry.

I therefore put in an earnest plea for early action in this matter, and commend to your favorable consideration the two bills proposed by the Committees on Agriculture and referred to in this message.

THEODORE ROOSEVELT.

THE WHITE HOUSE, March 1, 1905.

The PRESIDENT pro tempore. The message will be referred to the Committee on Agriculture and Forestry.

Mr. PLATT of Connecticut. What was done with the message which has just been read?

The PRESIDENT pro tempore. It was referred to the Committee on Agriculture and Forestry.

Mr. WARREN. Mr. President, I came into the Chamber while the message was being read and near its end. I suppose it refers to quarantine matters. I will say that a bill has been reported from the Committee on Agriculture favorably.

Mr. PLATT of Connecticut. May I inquire was the report made by the Senator from Wyoming?

Mr. WARREN. I reported the bill.

Mr. PLATT of Connecticut. I congratulate him on the Presidential comment that it was a very able report.

Mr. WARREN. I did not write the report. We adopted the House committee report. So the compliment falls a little short of applying to me.

Mr. HALE. I trust that the committee which has these matters in charge, and for that matter the whole Senate, will take notice of the admonition that this body has not been prompt and ready in passing legislation. I hope the committee to which the message has been referred will consider this admonition and will, so far as it has any discretion left, and so far as the few remaining hours of the session will allow, will bring this matter before the Senate and will endeavor, as I presume committees of this body do, to do its duty in the matter.

Mr. WARREN. The bill having been reported favorably from the committee, I suggest that the Senator from Maine move to take it up now.

Mr. GALLINGER. I can not consent to do that.

Mr. HALE. I am not a member of that committee, and the time is very short. It is not for me to interpose with the duties of the committee.

ADOLPH SPIEGEL.

Mr. GALLINGER. Early in the day I promised to yield to the Senator from Wyoming [Mr. WARREN] to call up a brief bill. He has been detained from the Chamber, and is now here,

and I yield to him. Then I will ask that the river and harbor bill be proceeded with.

Mr. WARREN. I ask unanimous consent for the consideration of a brief bill which must go to the House, and probably there will be a conference. It is the bill (H. R. 11802) for the relief of Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "\$530.08" and insert "\$434.23;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co., the sum of \$434.23, out of any money in the United States Treasury not otherwise appropriated, to refund duties erroneously assessed and charged on merchandise shipped from New York to Porto Rico to the firm of Spiegel, Finkelstein & Co. after April 11, 1899.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

- H. R. 465. An act granting a pension to Erwin Fancher;
- H. R. 778. An act to remove the charge of desertion from the military record of Nicholas Swingle;
- H. R. 2848. An act for the relief of Capt. Ferdinand Hansen;
- H. R. 3014. An act granting a pension to Louis Melcher;
- H. R. 3914. An act granting a pension to James M. Redick;
- H. R. 4680. An act granting a pension to Jonas Ball;
- H. R. 5015. An act granting a pension to William A. Russell;
- H. R. 5052. An act granting an honorable discharge to Eugene H. Ely;
- H. R. 5662. An act granting a pension to Julia Nolan;
- H. R. 6381. An act granting a pension to Chester Heiner, alias Justus Hahner;
- H. R. 6439. An act granting a pension to Malinda McBride;
- H. R. 6846. An act granting a pension to Sibba Miller;
- H. R. 7058. An act granting a pension to Louisa E. Satterfield;
- H. R. 8223. An act granting a pension to John J. Macentee;
- H. R. 8413. An act for the relief of John Gretzer, jr.
- H. R. 8791. An act granting a pension to Mae H. Tyler;
- H. R. 9059. An act granting a pension to Cephas W. Parr;
- H. R. 9244. An act granting a pension to Enoch Voyles;
- H. R. 11833. An act granting a pension to Jennie B. Johnston, formerly Blackburn;
- H. R. 11903. An act granting a pension to Bertha C. Hoffmeister;
- H. R. 13316. An act granting a pension to Phebe Damoth;
- H. R. 13756. An act granting a pension to Mary A. Shaw;
- H. R. 13999. An act granting a pension to Charles S. Abney;
- H. R. 14071. An act granting a pension to Cole B. Fugate;
- H. R. 14232. An act granting a pension to Pauline W. Stuckey;
- H. R. 14569. An act granting a pension to Maggie Weygandt;
- H. R. 15149. An act granting a pension to Clara G. Bacon;
- H. R. 15233. An act granting a pension to Martha M. Hawkins;
- H. R. 15616. An act granting a pension to Christopher C. Krepps;
- H. R. 15715. An act granting a pension to Horace G. Robinson, alias Frank Cammel;
- H. R. 15763. An act granting an honorable discharge to Frederick H. Stafford;
- H. R. 15766. An act granting a pension to Henry J. Richardson;

- H. R. 15884. An act granting a pension to Julia R. Jones;
- H. R. 16056. An act granting a pension to Frances Kirtland;
- H. R. 16137. An act granting a pension to Leocardia F. Flow-ers;
- H. R. 16266. An act to remove the charge of desertion from the record of Henry Beeger;
- H. R. 16304. An act granting a pension to Mary Damm;
- H. R. 16328. An act granting a pension to Lois E. Bliss, formerly Motter;
- H. R. 16773. An act granting a pension to John Mather;
- H. R. 16927. An act granting a pension to Mary Soupen;
- H. R. 17175. An act for the relief of Capt. Frank D. Ely;
- H. R. 17362. An act granting a pension to Nancy Bedford;
- H. R. 17421. An act granting a pension to Jesse N. Noblitt;
- H. R. 17425. An act granting a pension to Annie M. Kloeppel;
- H. R. 17616. An act granting a pension to Delila Dyer;
- H. R. 17621. An act granting a pension to George H. Barrows;
- H. R. 17914. An act granting a pension to Maria W. Shaul;
- H. R. 17962. An act granting a pension to Chauncey B. Jones;
- H. R. 18033. An act granting a pension to John L. Groom;
- H. R. 18089. An act granting a pension to Abby E. Burritt;
- H. R. 18317. An act correcting the military record of George H. Pidge, of North Loup, Nebr.
- H. R. 18322. An act granting a pension to Josephine Drink-water;
- H. R. 18364. An act granting a pension to Sophronia E. Wilshire;
- H. R. 18432. An act granting a pension to Myrtle Cole;
- H. R. 18479. An act granting a pension to Hettie Fletcher;
- H. R. 18556. An act granting a pension to Lovina Stokes;
- H. R. 18562. An act granting a pension to Martha A. Tompkins;
- H. R. 18621. An act granting a pension to Louise M. Atkins;
- H. R. 18745. An act granting a pension to William T. Chipman;
- H. R. 18778. An act granting a pension to Francis Gentzsch;
- H. R. 18796. An act granting a pension to William M. Smith;
- H. R. 18806. An act granting a pension to Baron Proctor; and
- H. R. 18824. An act granting a pension to Nimrod W. Watson.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. GALLINGER. Now let the river and harbor appropriation bill be proceeded with.

The bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

Mr. GALLINGER. I ask unanimous consent that the first formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment of the Committee on Commerce was, on page 2, after line 4, to insert:

Improving Damariscotta River, Maine: For improving said river in accordance with the project submitted in House Document No. 53, Fifty-eighth Congress, second session, \$5,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

Improving New Harbor, Maine: For improving said harbor in accordance with the project submitted in House Document No. 167, Fifty-eighth Congress, second session, \$10,500.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in after line 13, on page 2.

The SECRETARY. On page 2, after line 13, it is proposed to insert:

Improving Bagaduce River, Maine: Continuing improvement, \$2,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 3, after line 5, to insert:

Improving Salem Harbor, Massachusetts, in accordance with the report submitted in House Document No. 303, Fifty-eighth Congress, second session, completing improvement and maintenance, \$60,000.

The amendment was agreed to.

The next amendment was, on page 5, line 25, after the word "dollars," to strike out the following proviso:

Provided, That no part of this sum shall be expended until the Secretary of War shall have received satisfactory assurance that the

Improvement of that portion of the Weymouth River which lies above the improvement herein mentioned, and of the Town River, except so much as is herein provided for, shall hereafter be maintained by the State of Massachusetts, or other agency, without expense to the Government of the United States.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert:

Improving Neponset River, Massachusetts, in accordance with project submitted in House Document No. 36, Fifty-fifth Congress, first session, \$10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the word "aggregate," to strike out "one hundred thousand dollars" and insert "one hundred and seventy-five thousand dollars;" and on page 7, line 1, after the word "breakwater," to insert:

And continuing it to the shore with a view of providing a shelter for a landing place for the passengers, crews, and cargoes of vessels in distress, and other vessels, and for the lifeboats of the Point Judith life-saving service;

So as to make the clause read:

Improving Point Judith harbor of refuge, Rhode Island, \$100,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$175,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the amounts herein appropriated and authorized, with any existing balances on hand to the credit of such improvement, shall be applied in extending the easterly or shore arm of the breakwater, and continuing it to the shore with a view of providing a shelter for a landing place for the passengers, crews, and cargoes of vessels in distress, and other vessels, and for the lifeboats of the Point Judith life-saving service.

Mr. GALLINGER. Let the comma be stricken out after "breakwater," in line 1, and inserted after "shore," in line 1.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, line 9, after the words "Rhode Island," to strike out "Continuing improvement and for maintenance, \$20,000," and insert, "For extending the south jetty and dredging, \$50,000," so as to make the clause read:

Improving harbor at Great Salt Pond, Block Island, Rhode Island: For extending the south jetty and dredging, \$50,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

Improving Pawtucket River, Rhode Island, in accordance with the plan contained in House Document No. 113, Fifty-sixth Congress, first session, \$50,000.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the word "aggregate," to strike out "seven hundred and fifty thousand dollars" and insert "one million two hundred and fifty thousand dollars;" so as to read:

Improving Delaware River, Pennsylvania, New Jersey, and Delaware: Continuing improvement, \$500,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,250,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 15, line 25, after the word "appropriated," to strike out the following proviso:

Provided further, That in case the State of Pennsylvania, or other agency, shall pay over a sum of not less than \$500,000, to be expended by the Chief of Engineers under the direction of the Secretary of War, for the further prosecution of said work, the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said work, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate a further sum of \$500,000, exclusive of the amounts herein and heretofore appropriated and authorized, and of the sum to be paid by the State of Pennsylvania, or other agency.

The amendment was agreed to.

The next amendment was, on page 16, line 25, after the word "maintenance," to strike out "up to Third Street Bridge;" so as to read:

Improving harbor at Wilmington, Del.: Continuing improvement and for maintenance, \$25,000, in addition to the amounts heretofore appropriated, which are hereby made available and the restrictions upon the expenditure of which are hereby removed, etc.

The amendment was agreed to.

The next amendment was, on page 17, line 4, after the word "removed," to strike out the following proviso:

Provided, That of this sum not more than \$25,000 shall be expended unless the city of Wilmington shall give assurance satisfactory to the Secretary of War that it will, without expense to the United States, maintain the channel above said Third Street Bridge in accordance with the present approved project.

The amendment was agreed to.

The next amendment was, on page 18, line 21, before the word "dollars," to insert "five hundred thousand;" so as to read:

Improving Patapsco River and channel to Baltimore, Md.: Continuing improvement in accordance with the revised estimates submitted

in House Document No. 186, Fifty-seventh Congress, second session, and for maintenance, \$250,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,500,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 20, line 18, before the word "thousand," to strike out "one hundred and fifty" and insert "two hundred;" and in the same line, after the word "dollars," to insert:

of which \$50,000 shall be expended in the construction of a turning basin in accordance with the project submitted in House Document No. 234, Fifty-sixth Congress, first session, the cost to complete the same not to exceed \$150,000.

So as to make the clause read:

Improving James River, Virginia: Continuing improvement, \$200,000, of which \$50,000 shall be expended in the construction of a turning basin in accordance with the project submitted in House Document No. 234, Fifty-sixth Congress, first session, the cost to complete the same not to exceed \$150,000.

The amendment was agreed to.

The next amendment was, on page 22, line 20, after the words "North Carolina," to strike out "For maintenance, \$3,000" and insert "Completing improvement and for maintenance, \$8,000;" so as to make the clause read:

Improving Pamlico and Tar rivers, North Carolina: Completing improvement and for maintenance, \$8,000.

The amendment was agreed to.

The next amendment was, on page 23, line 1, to increase the appropriation for continuing improvement and for maintenance of the Neuse and Trent rivers, North Carolina, from \$30,000 to \$55,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert: Improving Fishing Creek between its mouth and Beach Swamp, North Carolina, in accordance with project submitted in House Document No. 2, pages 230 and 1477, Fifty-eighth Congress, third session, \$500.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to insert: Improving Cape Fear River, above Wilmington, N. C.: Continuing improvement, \$50,000.

The amendment was agreed to.

The reading was continued to the end of line 6 on page 24.

Mr. GALLINGER. After the word "Carolina," in line 5, I move to insert a comma and the words "forty thousand dollars."

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 24, line 5, after the words "South Carolina," it is proposed to strike out the semicolon and insert a comma and "forty thousand dollars;" so as to make the clause read:

Improving Winyah Bay, South Carolina, \$40,000; for maintenance, \$10,000.

The amendment was agreed to.

The reading was continued to line 9, on page 24.

Mr. GALLINGER. In line 8, on page 24, before the word "thousand," I move to strike out "twenty-five" and insert "fifty;" so as to read:

Improving harbor at Charleston, S. C.: Continuing improvement and for maintenance, \$50,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 24, line 23, before the word "thousand," to strike out "twenty-five" and insert "sixty;" and on page 25, line 2, after the word "ninety-nine," to insert:

Provided, That of this amount \$50,000 may be expended in the improvement of the Wateree River.

So as to make the clause read:

Improving Santee, Wateree, and Congaree rivers, and the Estherville-Minim Creek Canal, South Carolina: Continuing improvement and for maintenance, \$60,000, and the Secretary of War may expend upon such improvement the unexpended balance of the appropriation heretofore made for a lock and dam in the Congaree River provided for by the act of March 3, 1899: *Provided*, That of this amount \$50,000 may be expended in the improvement of the Wateree River.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the word "thousand," to strike out "twelve" and insert "twenty;" in line 11, before the word "thousand," to strike out "two" and insert "six;" so as to make the clause read:

Improving Savannah River, Georgia: Continuing improvement and for maintenance, \$20,000, of which amount \$6,000 may, in the discretion of the Secretary of War, be expended on said river above Augusta, Ga.

The amendment was agreed to.

The next amendment was, on page 26, line 17, after the word "maintenance," to strike out "\$10,000" and insert:

\$30,000, \$3,000 of which shall be used to clean out said river from Georgia Railroad bridge to the northern boundary of Green County, Ga.

So as to make the clause read:

Improving Oconee River, Georgia: Continuing improvement and for maintenance, \$30,000, \$3,000 of which shall be used to clean out said river from Georgia Railroad bridge to the northern boundary of Green County, Ga.

The amendment was agreed to.

The next amendment was, on page 26, line 22, after the word "maintenance," to strike out "\$10,000" and insert:

\$20,000, not less than \$5,000 of which shall be used for maintenance and repairs of works at and near Macon.

So as to make the clause read:

Improving Ocmulgee River, Georgia: Continuing improvement and for maintenance, \$20,000, not less than \$5,000 of which shall be used for maintenance and repairs of works at and near Macon.

The amendment was agreed to.

The next amendment was, on page 27, line 4, after the word "Georgia," to strike out "The Secretary of War may, in his discretion, expend the sum of \$10,000 for this improvement;" and in line 8, after the word "session," to insert "and for maintenance, \$40,000;" so as to make the clause read:

Improving Skidaway Narrows, Georgia, in accordance with the report submitted in House Document No. 450, Fifty-eighth Congress, second session, and for maintenance, \$40,000.

The amendment was agreed to.

The next amendment was, on page 27, line 17, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" and in the same line, after the word "dollars," to insert "; and for the completion of Lock and Dam No. 4, \$200,000;" so as to make the clause read:

Improving Coosa River, Georgia and Alabama, between Rome, Ga., and Lock No. 4, Alabama: For maintenance, \$25,000; and for the completion of Lock and Dam No. 4, \$200,000.

The amendment was agreed to.

The next amendment was, on page 29, line 2, before the word "thousand," to strike out "thirty" and insert "fifty;" so as to make the clause read:

Improving Apalachicola Bay, Florida: Continuing improvement and for maintenance, \$50,000, which amount, or so much thereof as may be necessary, shall be expended with a view to completing the channel over the outer bar and in Link channel.

The amendment was agreed to.

The next amendment was, on page 29, line 22, after the word "appropriated," to insert the following proviso:

Provided further, That of the amounts herein appropriated and authorized, an amount not exceeding \$150,000 may be applied to the improvement of the harbor at Jacksonville by providing a depth of 24 feet at mean low water.

Mr. GALLINGER. I desire to have the amendment modified, so as to insert the words "in the discretion of the Secretary of War," after the word "may," in line 24.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 30, line 10, before the word "Florida," to insert "and improving Sebastian Inlet;" and in line 12, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

Improving Indian River, between Goat Creek and Jupiter Inlet, and improving Sebastian Inlet, Florida: Continuing improvement and for maintenance, \$20,000.

The amendment was agreed to.

The next amendment was, on page 30, line 20, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Improving Crystal, Anclote, Suwanee, and Withlacoochee rivers, Florida: Continuing improvement and for maintenance, \$40,000, of which amount the sum of \$10,000 each may be expended on the Crystal and Withlacoochee, and \$5,000 each on the Anclote and Suwanee rivers.

Mr. MALLORY. I call the attention of the Senator from New Hampshire to line 20, on page 30. I think there is a clerical error there. Forty thousand dollars was substituted for \$30,000 by the committee, "of which amount the sum of \$10,000 each may be expended," etc. The word "ten" should be "fifteen." I call the Senator's attention to it. It was omitted by mistake.

Mr. GALLINGER. It was omitted.

Mr. MALLORY. In line 20 I move to strike out "ten" and insert "fifteen;" so as to read:

of which amount the sum of \$15,000 each may be expended on the Crystal and Withlacoochee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 31, line 6, after the word "Provided," to strike out:

That no process shall be used for such removal which requires the deposit of poisonous substances in such waters.

And insert:

That no chemical process injurious to cattle which may feed upon the water hyacinth shall be used.

So as to make the proviso read:

For the removal of the water hyacinth from the navigable waters of the State of Florida so far as it is or may become an obstruction to navigation, \$25,000: *Provided*, That no chemical process injurious to cattle which may feed upon the water hyacinth shall be used.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "maintenance," to strike out "\$50,000" and insert:

And extending the authorized improvement 200 yards farther up Dog River, \$150,000.

So as to make the clause read:

Improving Pascagoula River, Mississippi: Continuing improvement and for maintenance, and extending the authorized improvement 200 yards farther up Dog River, \$150,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to insert:

For a dredge to be used by the Board of Engineers of the Army for harbor and other work on the Mississippi and Alabama coasts of the Gulf of Mexico, \$150,000.

The amendment was agreed to.

The next amendment was, on page 35, line 13, before the word "thousand," to strike out "eighty" and insert "one hundred;" so as to make the clause read:

Improving the mouth and passes of Calcasieu River, Louisiana: Continuing improvement and for maintenance, \$100,000.

The amendment was agreed to.

The next amendment was, on page 35, line 23, after the word "thousand," to strike out ": For maintenance, \$7,500" and insert:

In accordance with the project submitted in House Document No. 69, House of Representatives, Fifty-fifth Congress, first session, and for maintenance, \$85,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$160,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Bayou Teche, Louisiana, in accordance with the project submitted in House Document No. 69, etc.

The amendment was agreed to.

The next amendment was, on page 38, line 19, after the word "improvement," to strike out "\$150,000" and insert "\$175,000;" and in line 22, before the word "thousand," to insert "and twenty-five;" so as to make the clause read:

Improving Galveston channel, Texas: Continuing improvement, \$175,000: *Provided*, That the Secretary of War may, in his discretion, use not to exceed \$125,000 of said amount to purchase or build a dredge for use in said channel: *Provided further*, That the Secretary of War may, in his discretion, divert the sum of \$50,000 from the amounts appropriated and authorized for improving Galveston Harbor, Texas, and apply it to this improvement.

Mr. BAILEY. In connection with this Galveston item, I ask the chairman of the committee if it would be agreeable, and I am sure it would be, to make an amendment with a view of securing a depth of 35 feet there. I had not intended to ask for it unless it was provided for other places, and having been provided for other places I think it just and fair that it should be provided for at Galveston. I will defer it, however, until we reach another point.

Mr. GALLINGER. I suggest to the Senator that there is no survey provided for and no survey has been made. I think he would have to provide for a survey.

Mr. BAILEY. Well, that is what I intend to do.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 39, the last paragraph read being as follows:

Improving West Galveston Bay channel, Double Bayou, and mouths of adjacent streams, Texas, including Trinity River and Cedar Bayou: Continuing improvement, \$20,000.

Mr. GALLINGER. After the word "river," in line 20, I move to insert a comma and "Anahuac channel," and to strike out "twenty," before "thousand," and substitute "fifty."

The amendment was agreed to.

The next amendment was, on page 39, line 22, after the words "Old Washington," to strike out "Continuing improvement, \$25,000" and insert "Completing improvement, \$55,744;" so as to make the clause read:

Improving Brazos River, Texas, from Velasco to Old Washington: Completing improvement, \$55,744.

The amendment was agreed to.

The next paragraph of the bill was read, as follows:

Improving Brazos River, Texas, from Old Washington to Waco: The Secretary of War is authorized and directed to cause an examination of this section of the river with a view of determining whether six months' navigation can be secured to Waco at a reasonable cost by any method other than by locks and dams; and if not, the least number of locks and dams that will furnish such navigation, and in the event it should appear feasible to secure six months' navigation by open-channel work or by not to exceed nine locks and dams the Secretary of War may expend for the improvement of said river an amount not to exceed \$75,000, which amount under the conditions named is hereby appropriated.

Mr. BAILEY. I think the chairman of the committee has a modification to offer.

Mr. GALLINGER. In the Brazos River item just read, line 4, after the word "whether," I move to insert the words "four or," so as to read "four or six months"; and in line 9, after the word "secure," to insert the words "four or," so as to read "secure four or six months' navigation."

The amendment was agreed to.

The next amendment was, on page 40, line 17, after the word "for," to insert "securing sites and;" so as to read:

Improving Trinity River, Texas: The balance now available for the construction of locks and dams between the mouth of the river and section 1 is hereby diverted from said purpose and made available for securing sites and the construction of locks and dams Nos. 1, 4, and 6 in section 1, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session: *Provided*, etc.

The amendment was agreed to.

The next amendment was, on page 41, line 8, after the word "to," to insert "the securing of sites and rights of way for;" so as to make the proviso read:

Provided further, That none of the amount made available herein or authorized to be contracted for herein shall be expended unless the citizens of Dallas shall pay over to the Secretary of War the sum of \$66,000, which sum, if paid over, shall be applied to the securing of sites and rights of way for the construction of dams in said section 1, at Old River and Parsons Slough, for the easing of bends and for the improvement of said section.

Mr. GALLINGER. Let the amendment be modified by inserting the word "and" after the word "way," in line 9; so as to read, "the securing of sites and rights of way and for the construction of dams."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 41, line 13, after the word "numbered," to insert "two or;" so as to make the proviso read:

And provided further, That the Secretary of War may, in his discretion, construct locks and dams Nos. 2 or 3 or 5 instead of No. 4, should he determine that navigation would be better subserved thereby.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, to insert: For repair of revetment work and bank protection in the vicinity of Red Fork Levee, Arkansas River, \$30,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 7, to insert: Improving Upper White River, Arkansas: Continuing improvement by the construction of Locks and Dams Nos. 3 and 4, \$300,000.

Mr. GALLINGER. Let the amendment be modified by inserting the words "and twenty" after the word "hundred;" so as to read "\$320,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 43, line 22, after the word "dollars," to insert:

And for the maintenance of the locks, and building the dams thereto, above Nashville and below Carthage, \$100,000.

So as to make the clause read:

Improving Cumberland River, Tennessee and Kentucky, above Nashville: For maintenance, \$10,000, and for the maintenance of the locks, and building the dams thereto, above Nashville and below Carthage, \$100,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to insert: Kentucky River, Kentucky: Continuing improvement by the construction of Lock and Dam No. 12, \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 54, to insert:

Improving Ohio River between Marietta and the mouth of the Big Miami River: Continuing improvement by the construction of Lock and Dam No. 19, \$300,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 4, to insert:

Improving Warroad Harbor, Warroad River, Minnesota, by dredging a channel 100 feet wide and 7 feet deep from the inner end of the channel dredged in 1904 to the boat landing at Warroad, with a turning channel for boats at the inner harbor, and continuing present improvement, \$35,000.

The amendment was agreed to.

The next amendment was, on page 64, line 5, after the clause—

Improving harbor at Michigan City, Ind.: Continuing improvement and for maintenance, \$45,000—

to insert the following proviso:

Provided, That the Secretary of War may, in his discretion, use any part of this appropriation, or of any appropriation hereafter made for the maintenance or improvement of said harbor, for the construction of a turning basin in the inner harbor, not exceeding, however, the sum of \$25,000 in the aggregate.

The amendment was agreed to.

The next amendment was, on page 64, after line 12, to insert:

Improving Chicago River, Illinois, in accordance with the project submitted in House Document No. 95, Fifty-sixth Congress, first session, \$200,000: *Provided*, That no part of said sum shall be expended until all work of removing and reconstructing bridges and piers and lowering or removing tunnels necessary to permit a practical channel of said depth shall have been done without expense to the United States.

The amendment was agreed to.

The next amendment was, on page 66, line 8, after the word "by," to insert "the renewal of the Pine River dam according to existing project;" in line 11, after the words "Leech Lake," to strike out "and;" in the same line, before the word "dams," to insert "and Pine River," and in line 13, before the word "thousand," to strike out "twenty-six" and insert "one hundred and sixty;" so as to make the clause read:

Mississippi River in Minnesota: Improving reservoirs at the headwaters of the Mississippi River by the renewal of the Pine River dam according to existing project, the completion of Pokegama dam, the purchase of lands or easements for Winnibigoshish, Leech Lake, Pokegama, and Pine River dams, and the improvement of the channel from Brainerd to Grand Rapids, Minn., \$160,000, to be expended, together with the amounts now on hand to the credit of "Reservoirs at the headwaters of the Mississippi," for the completion of the improvements herein mentioned.

The amendment was agreed to.

The next amendment was, on page 70, after line 20, to insert:

Improving Missouri River at St. Joseph, Mo., the work to conform to the established harbor line, \$50,000: *Provided, however*, That no work shall be done at St. Joseph until the public authorities shall contribute toward defraying the expense of said work an additional \$50,000, making the sum so contributed subject to the order of the Secretary of War in such manner as he may direct, so that the expense of any work done under the provisions of this act shall be borne equally by the Government and out of the contribution herein provided for.

Mr. STONE. Mr. President—

Mr. GALLINGER. Mr. President, the Senator from Missouri, I think, wants to modify the amendment somewhat.

Mr. STONE. Yes; I wish to change the phraseology. I send the amendments to the desk.

The PRESIDENT pro tempore. The Senator from Missouri proposes to modify the amendment as follows:

The SECRETARY. First by striking out the word "improving," in line 21, and inserting in lieu thereof the words "continuing improvement;" second, by striking out the words "the work," in line 22, and inserting in lieu thereof the words "and protecting work already done, all new work."

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, line 6, after the word "river," to strike out:

General improvement by snagging and maintenance of open channel work, \$150,000.

And insert:

Continuing improvement, including snagging, \$175,000.

And in line 13, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

Improving Missouri River: Continuing improvement, including snagging, \$175,000, of which amount \$90,000 may be expended between the mouth and Sioux City, Iowa; \$10,000 for improvements at Hermann, Mo., and \$75,000 above Sioux City, Iowa.

Mr. McCUMBER. Before the amendment is acted upon I offer an amendment to it. I suppose it will be proper at this time.

Mr. GALLINGER. An amendment to the amendment?

Mr. McCUMBER. An amendment to the committee amendment.

Mr. GALLINGER. That is in order.

Mr. McCUMBER. I have not had time to prepare it, but I move to strike out the word "one," in line 9, page 71, and insert in lieu thereof the word "two;" also to strike out the words "and seventy-five," in the same line; so as to read, "continuing improvement, including snagging, \$200,000."

Then in line 13 I move to strike out the word "seventy-five" before "thousand" and insert in lieu thereof the words "one hundred;" so that instead of \$175,000 there will be \$200,000 to be appropriated for the improvement of the Missouri River.

Mr. GALLINGER. I will suggest to the Senator that several Senators appeared before the committee and seemed very well

satisfied with the amount put in the bill. I am afraid if these items are made larger than the committee items they will be very likely to be lost in conference. However, if the Senator insists on his amendments I will not resist them.

Mr. McCUMBER. I hope the Senator will allow the amendment to be made. I should like to explain it in full. I do not care to take up the time of the Senate, if the Senator will accept the amendment.

Mr. GALLINGER. Let the amendment to the amendment be made.

Mr. McCUMBER. I wish to add to the amendment also, so as to make it complete. After the word "Iowa," in line 13, on page 71, I move to insert "\$50,000 of which shall be used north of the forty-sixth parallel for improving the harbors at Bismarck, Mannhaven, and Washburn, in North Dakota, and for snagging and improving the Missouri River and Lower Yellowstone River."

Mr. GALLINGER. I would suggest to the Senator that it has not been the custom of late years to name any particular places in these bills. Is it not sufficient that the Senator should have the appropriation for certain stretches of the river, and leave it in the discretion of the Secretary of War?

Mr. McCUMBER. The bill itself, for instance, mentions improvement at Hermann, Mo.

Mr. GALLINGER. That is an exceptional case, and there were exceptional reasons for it.

Mr. McCUMBER. I am willing, then, to substitute the following:

Fifty thousand dollars of which shall be used north of the forty-sixth parallel.

Mr. MILLARD. Mr. President, I have an amendment, which I expected to offer after the reading of the bill was concluded. If in order, I desire to offer the amendment at this time, with the consent of the Senator in charge of the bill. Let it be read.

The PRESIDENT pro tempore. Is it an amendment to the amendment offered by the Senator from North Dakota?

Mr. MILLARD. Yes, sir; an amendment to this amendment.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. In line 9, page 71, before the word "thousand," strike out "one hundred and seventy-five" and insert "three hundred and thirty-five."

Mr. GALLINGER. I trust that amendment will not be agreed to.

Mr. MILLARD. I should like to have it read, because I think it will be better understood if read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. And in line 11, page 71, after the word "mouth," insert "and St. Joseph, Mo., and \$160,000 between St. Joseph, Mo.;" so that the paragraph will read as follows:

Improving Missouri River: Continuing improvement, including snagging, \$335,000, of which amount \$90,000 may be expended between the mouth and St. Joseph, Mo., and \$160,000 between St. Joseph, Mo., and Sioux City, Iowa; \$10,000 for improvements at Hermann, Mo., and \$75,000 above Sioux City, Iowa.

Mr. GALLINGER. It is very evident to me, Mr. President, that if that amendment goes in the bill there will be no possible hope of its remaining in the bill. This question of the Missouri River was very fully debated before the committee by several Senators, and the amendments which were put in the bill seemed to be entirely satisfactory to them. Now, the Senator from North Dakota has added \$50,000 to the appropriation, and the Senator from Nebraska proposes to add, I think, nearly \$200,000. I trust the amendment the Senator has offered to the amendment will not be agreed to.

Mr. McCUMBER. I understand the Senator agrees to the amendment I offered.

Mr. GALLINGER. I agree to that amendment.

Mr. McCUMBER. Has the amendment been agreed to by the Senate?

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 71, line 9, after the word "snagging," strike out "one" and insert "two;" after the word "hundred," in the same line, strike out the words "and seventy-five;" in lines 12 and 13 strike out the proposed committee amendment "seventy-five" and insert "one hundred;" and after the word "Iowa," in line 13, strike out the period and insert a comma and the following words:

Fifty thousand dollars of which shall be used north of the forty-sixth parallel.

The PRESIDENT pro tempore. Does the Chair understand the Senator from New Hampshire to accept this amendment?

Mr. GALLINGER. I do not resist that amendment, Mr. President.

The PRESIDENT pro tempore. The Senator from Nebraska has offered an amendment as a substitute for it, which has just been read.

Mr. McCUMBER. I do not quite understand that it is a substitute for it. It simply strikes out the amendment just accepted by the Senator in charge of the bill and leaves it out entirely. So I hope the Senator from Nebraska will put his in the form of a new amendment.

Mr. GALLINGER. As a matter of fact, having agreed to the amendment of the Senator from North Dakota, I would suggest to the Senator from Nebraska that he withhold his amendment and offer it in the Senate.

Mr. MILLARD. I will do that.

Mr. GALLINGER. I think that is the proper course.

The PRESIDENT pro tempore. Then the question is on agreeing to the amendment offered by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. The Senator from Nebraska will offer his amendment in the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 71, after line 13, to insert:

For building dams and constructing reservoirs at Lake Kampeska, Lake Polnsett, and on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River, \$52,500.

The amendment was agreed to.

The next amendment was, on page 72, line 9, after the word "sessions," to strike out:

With a view to obtaining a channel 300 feet wide and 25 feet deep from San Francisco Bay to Fallon street.

So as to read:

Improving harbor at Oakland, Cal.: Continuing improvement in accordance with project No. 3 of the report submitted in House Document No. 262, Fifty-sixth Congress, second session, \$100,000.

The amendment was agreed to.

The next amendment was, on page 72, line 15, before the word "said," to strike out "prosecute" and insert "complete;" and in line 17, before the word "thousand," to strike out "one hundred and fifty" and insert "six hundred and eighteen;" so as to make the proviso read:

Provided, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$618,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

Mr. FULTON. At that point I have an amendment to offer, which I think the Senator having the bill in charge will not resist, as I have explained it to him.

Mr. GALLINGER. Will the Senator withhold that amendment until the committee amendments are first acted on?

Mr. FULTON. I will wait, Mr. President.

Mr. GALLINGER. Let the Senator's amendment be pending.

Mr. FULTON. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 78, after line 23, to insert:

For improving the middle waterway, Tacoma Harbor, Washington, by dredging a channel 28 feet deep and 4,000 feet long, in accordance with House Document No. 520, Fifty-eighth Congress, second session, except as to the width of the channel, which shall be 260 feet instead of 400 feet in width, \$115,537: Provided, That none of the amount made available herein shall be expended unless the city of Tacoma or other agency shall pay over to the Secretary of War the sum of \$38,512.50, said sum being 25 per cent of the cost of the said improvement, and which shall be applied in the prosecution of said work.

The amendment was agreed to.

The next amendment was, on page 79, line 18, after the word "dollars," to insert:

of which amount so much as may be necessary may be expended in the removal of Star Rock, Bellingham Bay, and of rock obstructions at the entrance of Roche Harbor;

So as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement and for maintenance, \$20,000, of which amount so much as may be necessary may be expended in the removal of Star Rock, Bellingham Bay, and of rock obstructions at the entrance of Roche Harbor.

The amendment was agreed to.

The next amendment was, on page 86, after line 24, to insert as a new section the following:

SEC. 4. That the supervisor of the harbor of New York, designated as provided in section 5 of the act approved June 29, 1888, entitled "An act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses," is hereby authorized to make and issue, from time to time, regulations with respect to steam vessels or tugs towing barges, or other water craft, within the limits of that part of

the harbor of New York and adjacent waters lying south or below a line projected eastwardly and westwardly through the southerly end of Governors Island and the southerly end of Liberty Island, prescribing the length of tows, the length of the towing lines connecting said steam vessels or tugs with their tows, the length of the lines connecting the individual barges or other water craft constituting a tow, and the number of barges or other water craft which may constitute a tow, either alongside or astern, and the arrangement of such barges or other water craft, and the mode of making up tows, and the said supervisor is hereby authorized to make and issue from time to time regulations with respect to steam vessels and tugs towing barges or other water craft within said limits, limiting such vessels or tows to certain waters, or parts of certain channels thereof, in his discretion. Such regulations when so made and issued shall have the force of law and any violation thereof shall be unlawful; and the owner and master, or person acting in the capacity of master, of any towing vessel, or any other person or persons violating any of said regulations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$250 nor less than \$50, or by imprisonment for not more than six months nor less than one month, or by both such fine and imprisonment, in the discretion of the court. The said supervisor of the harbor and the inspectors and deputy inspectors appointed by him shall have the authority to take into custody, with or without process, any person or persons who may violate any of the aforesaid regulations: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Mr. PENROSE. Mr. President, I desire to raise the point of order on that amendment. It is true that in the committee I agreed to it, but since my attention has been called to some very serious objections on the part of the commercial interests affected, and as the item is peculiarly objectionable, containing penal provisions, I raise the point of order that it is in the nature of general legislation and not proper to be in the bill. I hope the Committee on Commerce will take up this very important subject next winter.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. GALLINGER. On page 88, immediately following that amendment, let the language of section 5, commencing in line 22 and concluding with line 2 on page 89, be stricken out, and let line 3 commence "Sec. 5. That."

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 88, after line 22, it is proposed to strike out:

Sec. 5. That section 13 of the river and harbor act of March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," is hereby amended by adding thereto the following.

And after line 2 on page 89 it is proposed to insert "Sec. 5. That;" so as to read:

Sec. 5. That the Secretary of War, etc.

The amendment was agreed to.

Mr. GALLINGER. I presume the Secretary will renumber the sections.

The PRESIDENT pro tempore. Those changes will be made, of course.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, at the top of page 92, to insert the following proviso:

Provided, That nothing in this section shall be construed as applying to any work or balances covered by contracts made prior to the passage of this act.

The amendment was agreed to.

Mr. PETTUS. If the Senator in charge of this bill will permit, I will offer an amendment to come in just at this place, under the head of "Preliminary examinations and surveys."

Mr. GALLINGER. Will the Senator from Alabama kindly withhold his amendment until the committee amendments are concluded?

Mr. PETTUS. The committee amendments have been acted on up to this point.

Mr. GALLINGER. Yes; but there are some further committee amendments to be considered, which will take but a few moments, if the Senator will withhold his amendment.

Mr. PETTUS. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Connecticut," on page 95, line 17, after the word "than," to strike out "by locks and dams" and insert "those already reported upon;" so as to make the clause read:

Connecticut River between Hartford, Conn., and Holyoke, Mass.: The Secretary of War is authorized and directed to reconvene the Board of Engineer Officers heretofore designated under provision of the river and harbor act approved June 13, 1902, and which board reported upon said improvement in a report dated August 11, 1904, for the purpose of preparing and submitting an additional report on the improvement of said river by open-channel work or methods other than those already reported upon.

The amendment was agreed to.

The next amendment was, under the subhead "Florida," on page 96, after line 5, to insert:

The St. Johns River, opposite the city of Jacksonville, with a view to obtaining 24 feet of water at mean low tide between the channel of said river as it now is and the pierhead lines as established by the Government in front of the city of Jacksonville and in front of South Jacksonville.

The amendment was agreed to.

The next amendment was, on page 96, after line 16, to insert:

Fernandina Harbor, with a view to such extensions of the depth and width of the channel in front of the town as will meet the requirements of commerce.

The amendment was agreed to.

The next amendment was, on page 96, line 24, after the word "Gulf," to insert "with a view of straightening the channel and making it 100 feet in width and 10 feet in depth;" so as to make the clause read:

Withlacoochee River, from Port Inglis to the anchorage in the Gulf, with a view of straightening the channel and making it 100 feet in width and 10 feet in depth.

The amendment was agreed to.

The next amendment was, on page 97, after line 1, to insert:

The mouth of Alaqua Bayou on Choctawhatchee Bay, with the view of securing a channel 100 feet in width and 5 feet in depth.

The amendment was agreed to.

The next amendment was, under the subhead "Georgia," on page 97, after line 8, to insert:

Oconee River, from Georgia Railroad bridge at Milledgeville, to Central of Georgia Railway bridge at Oconee station, Washington County.

The amendment was agreed to.

The next amendment was, on page 97, after line 11, to insert:

Ocmulgee River, from the city bridge at Fifth street, Macon, to Juliet, Monroe County.

The amendment was agreed to.

The next amendment was, on page 97, after line 14, to insert:

Savannah Harbor, resurvey, with a view to securing a channel depth of 30 feet to the sea.

The amendment was agreed to.

The next amendment was, on page 98, after line 7, to insert:

LOUISIANA.

Mermentau River, from its headwaters at the junction of Bayous des Cannes and Nez Pique (including those portions of Lake Arthur, Grand Lake, and White Lake lying directly across its course) to a point in the Gulf of Mexico beyond the bar at its mouth, with a view of securing a permanent channel to a depth of at least 20 feet.

The amendment was agreed to.

Mr. GALLINGER. On page 99, lines 7 and 8 should be transposed to come in after line 14.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 99 it is proposed to strike out lines 7 and 8, as follows:

Calcasieu Lake and river, from the mouth of Calcasieu Pass to the head of navigation in Calcasieu River—

And to insert the same provision after line 14.

The amendment was agreed to.

Mr. BERRY. The Senator from Maryland [Mr. GORMAN] asked me to call the attention of the Senator in charge of the bill to the provision concerning Elk River.

Mr. GALLINGER. That has not yet been reached.

Mr. BERRY. I beg pardon; I thought it had been.

Mr. GALLINGER. I offer the amendment which I send to the desk, to come in after line 22, on page 99.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After line 22, on page 99, it is proposed to insert:

The Pool at Cranberry Isles, with a view to deepening and widening the navigable waters of same and the channel leading thereto.

The amendment was agreed to.

Mr. GALLINGER. After line 24, on page 99, let "Elk River" be inserted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Under the subhead "Maryland," on page 99, after line 24, it is proposed to insert:

Elk River.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "Massachusetts," on page 100, after line 5, to insert:

Mystic River, with a view to extending the improvement within the limits and along the boundary of the city of Somerville.

The amendment was agreed to.

The next amendment was, under the subhead "Minnesota," on page 101, after line 16, to insert:

For a canal between Lake Winnibigoshish and Portage Lakes in the State of Minnesota, on and through the northwest quarter of the north-

west quarter of section 29, and the northeast quarter of the northeast quarter of section 30, township No. 145 north of range 28, fifth principal meridian.

The amendment was agreed to.

The next amendment was, under the subhead "Mississippi," on page 102, after line 10, to insert:

Anchorage basin at Gulfport, and channel therefrom to the anchorage or roadstead at Ship Island, with a view to a channel of 30 feet depth and of the present width, 300 feet. Also Ship Island Pass, between Ship and Cat islands, with a view to a like depth of 30 feet.

The amendment was agreed to.

The next amendment was, under the subhead "New Jersey," on page 102, after line 20, to insert:

That part of the westerly side of the Arthur Kill or Staten Island Sound, from the north end of the wharf or dock of the Grasselli Chemical Company, opposite the north end of Chelsea or Pralls Island, to a point about 2,000 feet north of Piles Creek, about 1 mile in length, and also of Piles Creek from its mouth to the crossing of the Long Branch Railroad, with a view to improving the navigability of the same and bringing the New Jersey shore of said Arthur Kill or Staten Island Sound and Piles Creek in communication with the improved channel of the Staten Island Sound, as proposed and favorably reported on by Brig. Gen. John M. Wilson, Chief of Engineers, United States Army, February 2, 1900, and transmitted to the Speaker of the House of Representatives February 3, 1900. (56th Cong., 1st sess., Document No. 393.)

The amendment was agreed to.

Mr. GALLINGER. On page 104, after line 3, let the words "Cohansey River" be inserted.

The SECRETARY. Under the subhead "New Jersey," on page 104, after line 3, it is proposed to insert:

Cohansey River.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "New York," on page 104, after line 6, to insert:

Lloyds Harbor, with a view to obtaining a depth of 12 feet and otherwise improving the channel between Huntington Bay and Cold Spring Harbor, Long Island, New York, so as to meet the demands of commerce.

The amendment was agreed to.

The next amendment was, on page 104, after line 13, to insert:

Hudson River, with a view to extending the existing project to Waterford.

The amendment was agreed to.

The next amendment was, on page 104, after line 17, to insert:

New York Bay from the south of Kill van Kull to a point in the vicinity of Liberty Island west of Robbins Reef Light-House, with a view of a 21-foot channel of sufficient width.

The amendment was agreed to.

The next amendment was, on page 104, after line 24, to insert:

Morristown Harbor.

The amendment was agreed to.

The next amendment was, on page 105, after line 1, to insert:

Hortons Point, Long Island, with a view to constructing a breakwater.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 105, after line 6, to insert:

Inland waterway from Norfolk, Va., to Beaufort Inlet, North Carolina, with a view to the construction of a channel of the depth of 10, 12, and 14 feet, respectively, upon the most advantageous route between the points named: *Provided*, That the examination and survey shall be made by a board of engineer officers, active or retired, detailed by the Secretary of War, and such examination and report shall include the probable cost of any private waterway that it may be to the interest of the United States to acquire in connection with the proposed improvement.

The amendment was agreed to.

The next amendment was, on page 105, after line 23, to insert:

Beaufort Harbor, with a view to a channel depth of 30 feet across the bar.

The amendment was agreed to.

Mr. GALLINGER. Following the amendment for Beaufort Harbor, which has just been adopted, I move to insert:

Shallotte River and town.

Mr. OVERMAN. "Shallotte River from its mouth to the town of Shallotte," it should be.

Mr. GALLINGER. Very well. I will offer the amendment in that form.

The SECRETARY. On page 105, line 25, it is proposed to insert:

Shallotte River from its mouth to the town of Shallotte.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Pennsylvania," on page 106, after line 13, to insert:

Delaware River, with a view to deepening the channel from Christian street, Philadelphia, to deep water in Delaware Bay to 35 feet.

Mr. PENROSE. If it is in order and the chairman will accept it as a committee amendment, I would ask that "Alleghany avenue" be substituted for "Christian street" on line 15 in the amendment which has just been stated.

Mr. GALLINGER. That simply modifies the amendment. I have no objection.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In line 15, on page 106, before the name "Philadelphia," it is proposed to strike out "Christian street" and insert "Alleghany avenue."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Rhode Island," on page 106, after line 20, to insert:

Pawtucket River, with a view to deepening the channel to 18 feet.

The amendment was agreed to.

The next amendment was, on page 106, after line 22, to insert:

Harbor of refuge, Point Judith, Rhode Island, with a view to constructing a breakwater from the shore west of the harbor and to determine whether any change should be made in the existing plan of improvement of the main breakwater.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 107, after line 17, to insert:

Port Bolivar, with a view of obtaining a channel 300 feet wide, with a uniform depth of 30 feet from the end of Port Bolivar pier, which has been constructed to harbor line, to the 30-foot contour in Bolivar roads, as shown by the United States Engineers' map, a distance of approximately 4,600 feet.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 108, line 5, after the word "thereof," to insert "and from the Norfolk channel of the Elizabeth River to the drawbridge across the Western Branch;" so as to make the clause read:

Norfolk Harbor, including the eastern and southern branches thereof, and from the Norfolk channel of the Elizabeth River to the drawbridge across the Western Branch.

The amendment was agreed to.

The next amendment was, on page 108, after line 11, to insert:

Channel from deep water in Hampton Roads to the Norfolk Navy-Yard, with a view to widening and straightening the same, and to submit estimates for increasing the depth thereof to 35 feet and 30 feet, respectively.

The amendment was agreed to.

The next amendment was, on page 108, after line 15, to insert:

Appomattox River, with a view to providing a turning basin at the head of navigation at Petersburg, and determining what changes should be made in the project in connection with the project for the diversion of the river which is now under contract.

The amendment was agreed to.

The next amendment was, under the subhead "Washington," on page 109, after line 8, to insert:

Harbor at Anacortes.

The amendment was agreed to.

The next amendment was, on page 109, after line 13, to insert:

WEST VIRGINIA.

Mouth of Deckers Creek at its confluence with the Monongahela River, with a view to securing for a distance of 1,600 feet a channel with the same depth of water as in said Monongahela River, and restoring and improving the harbor destroyed by flood.

The amendment was agreed to.

The next amendment was, on page 110, after line 17, to insert:

MIDWAY ISLANDS.

Welles Harbor, Midway Islands.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BAILEY. I desire to propose an amendment by adding, after line 16, on page 107, a new paragraph, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 107, after line 16, under the subhead "Texas," it is proposed to insert:

Galveston Harbor, with a view of obtaining a uniform depth of 35 feet.

Mr. GALLINGER. I have no objection to that amendment. The amendment was agreed to.

Mr. PETTUS. I have an amendment which I propose to offer, to come in on line 6, page 94. It is for the survey of a certain part of Mobile Bay.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 94, after line 6, it is proposed to insert:

Mobile Bar, near Fort Morgan: Dredging and widening channel across said bar to 1,000 feet width and 35 feet depth and channel from the 35-foot curve in lower bay or fleet to Little Dauphin Island 16,000 feet long, 450 feet wide at top, and 35 feet deep, including a basin at west end of said channel 2,000 feet wide and 1,500 feet long and 35 feet deep, \$5,000.

Mr. GALLINGER. I will ask the Senator if it is a survey that is contemplated by that amendment?

Mr. PETTUS. It is intended to provide merely for a survey and estimate.

Mr. GALLINGER. Why is there an appropriation? I do not find any appropriation in provisions regarding other surveys.

Mr. PETTUS. I do not know that it is necessary.

Mr. GALLINGER. I think it is not, I will say to the Senator.

Mr. PETTUS. Very well; I will modify the amendment by striking out "\$5,000," at the end of line 8.

The PRESIDENT pro tempore. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. FULTON. I wish now to offer an amendment, on page 75, line 9, to strike out "three hundred" and insert "four hundred and fifty."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 75, line 9, before the word "dollars," it is proposed to strike out "three hundred" and insert "four hundred and fifty;" so as to read:

Improving the mouth of Columbia River, Oregon and Washington: Continuing improvement in accordance with the report submitted by a board of engineers January 24, 1903, \$450,000.

Mr. FULTON. Mr. President, I have explained the amendment to the Senator in charge of the bill, and I think he will not contest it. It is positively necessary in order to maintain the present work. I do not wish to go into the matter, if the Senator in charge of the bill does not object to the amendment, as he informed me that he would not.

Mr. GALLINGER. Well, Mr. President, I do not think I quite agreed to have the increased appropriation made unless the Senator could show some very good reason why it should be made. I presume there is a good reason for it, and if the Senator insists upon it I will not resist the amendment. I will say that to him.

Mr. FULTON. I do not want to take up the time of the Senate, but the reason for the amendment is this: The work is in progress there. It is a great work, involving the construction of the jetty at the mouth of the Columbia River. A great deal of money has been expended in carrying on the work and bringing it to its present stage, but unless the amount is increased, as suggested by the amendment, the work will have to cease. It can not be carried on or prosecuted unless there is an additional appropriation.

Mr. GALLINGER. I have knowledge of the importance of the improvement at the mouth of the Columbia River, and I will not object to the amendment, but will let it go in the bill.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. MILLARD. I move to amend, on page 71, line 9, by striking out the word "one" and inserting "two."

Mr. GALLINGER. That is an amendment to a committee amendment, Mr. President, and if the Senator will withhold his amendment until the bill is reported to the Senate, then he can take the matter up.

Mr. MILLARD. Very well.

Mr. MORGAN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 32, after line 14, it is proposed to insert:

That Louis M. Tisdale, a citizen of the United States, his heirs or assigns, be, and is hereby, granted the right of way through the lands and waters of the United States to enable him, his heirs or assigns, to construct and operate a ship canal or channel from a point on Mon Louis Island, Mobile County, State of Alabama, through Mobile Bay to the deep-water basin in Mobile Bay between Fort Morgan and Fort Gaines, Ala., with power and authority to construct and maintain all necessary harbors, locks, dams, channel dikes, levees, and piers, without expense to the United States: *Provided*, That the same shall in no manner interfere with or affect the usual and ordinary navigation of said waters: *And provided further*, That Mobile Bay shall in no way be thereby closed to navigation.

XXXIX—235

Sec. 2. That in the transportation of military or naval stores, troops, or munitions of war of the United States no toll shall be charged, and that the tolls or tonnage charges by said Louis M. Tisdale, his heirs or assigns, shall be fixed, from time to time, by the Secretary of War: *Provided*, That vessels of 5 tons burden and less shall be exempt from tolls for the use of said canal when they do not pass through the locks: *And provided further*, That no tolls shall be charged on any boats or vessels navigating any of the waters on the line of said canal or channel which could have been navigated by such vessels had such canal not been built: *Provided further*, That this franchise shall not be effective unless said Louis M. Tisdale, his heirs or assigns, shall in good faith commence such construction within two years from the passage of this act.

Congress reserves the right to alter, amend, or repeal any of the provisions of this act in so far as it relates to this franchise.

Mr. GALLINGER. I suggest to the Senator from Alabama that the word "paragraph" be inserted instead of the word "act." I think the word "act" occurs twice. I also suggest that where the amendment reads "Sec. 2," let it read "*Provided*, That," and then let the next proviso read "*Provided further*." If agreeable to the Senator from Alabama, I suggest that the amendment be so modified.

Mr. MORGAN. That is perfectly agreeable to me, and I so modify the amendment.

The amendment as modified was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk, to come in on page 94.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 94 it is proposed to insert:

To extend the survey heretofore made by the United States for a waterway from the Warrior River, at the mouth of Valley Creek, to Birmingham, at or near Village Creek, to a point on the Locust Branch of the Warrior River, in the vicinity of the mouth of Turkey Creek.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. HEYBURN. I send to the desk an amendment to be inserted on page 97, after line 18.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 97, after line 18, it is proposed to insert:

A survey to be made and estimates to be submitted of the cost of removing obstructions to navigation in the Salmon River between Salmon, Idaho, and the mouth of said river.

Mr. GALLINGER. I suggest to the Senator that he modify the amendment by leaving out the words following the words "the Salmon River."

Mr. HEYBURN. Very well.

The PRESIDENT pro tempore. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. HEYBURN. On page 74, line 13, I move to strike out the word "fifteen" and insert "twenty-five."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 74, after line 13, it is proposed to strike out "fifteen" and insert "twenty-five;" so as to read:

Improving upper Columbia and Snake rivers, Oregon, Washington, and Idaho: Continuing improvement and for maintenance, \$25,000, which may be expended in completing the improvement and for maintenance of the Snake River between Riparia and Lewiston, and between Lewiston and Pittsburg Landing.

Mr. HEYBURN. Twenty-five thousand dollars is the amount asked for by the Department for that work. The expenditure of that amount of money is made necessary by the destruction of the barges the Government had in operation for the removal of the rocks. The barges will have to be rebuilt, and the Department asks \$25,000 for the work. The bill as it passed the House provided for an appropriation of \$15,000, but \$25,000 is necessary to make the work effective.

Mr. GALLINGER. The Senator is, of course, aware of the fact that in almost every item in this bill less than the full amount asked for has been inserted, and the Senator knows if we open this sluiceway of increases that we will double the amount that we have already added to this bill before we get through with it.

Mr. HEYBURN. I will say, Mr. President, that this is an exceptional case.

Mr. GALLINGER. They are all exceptional cases.

Mr. HEYBURN. The channel of the river is full of rocks and the work has been prosecuted from barges, the obstruction being sufficient to necessitate the work being done in that way. The destruction of the barges will cripple the work unless the appropriation is sufficient to replace those barges. Considerable money has been already expended on this work, and in order not to lose the effect of that it is necessary that the Government shall replace those barges, and there ought to be a sufficient

amount for that purpose. The Department, having that in view, asked for \$25,000. I do not know on what ground the House cut it down. We might as well appropriate nothing as not to appropriate enough to complete the work in progress and make it effective. I hope the objection will not be raised, because I say it is one of those peculiar circumstances that requires the increase.

Mr. GALLINGER. Can not the work be partially done and completed next year?

Mr. HEYBURN. I doubt if they could proceed at all until they have a barge to work from. It is in a swift channel and they have to construct a barge for the purpose of prosecuting the work.

Mr. GALLINGER. Has the barge been built?

Mr. HEYBURN. It was built.

Mr. GALLINGER. What has become of it?

Mr. HEYBURN. It was destroyed.

Mr. GALLINGER. Under the circumstances, I will not resist the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. CARMACK. On page 43, line 24, after the word "hundred," I move to insert "and fifty."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 43, line 24, after the word "hundred," it is proposed to amend the amendment of the committee by inserting the words "and fifty;" so as to read:

Improving Cumberland River, Tennessee and Kentucky, above Nashville: For maintenance, \$10,000, and for the maintenance of the locks, and building the dams thereto, above Nashville and below Carthage, \$150,000.

Mr. CARMACK. I do not think the Senator from New Hampshire will object to that.

Mr. GALLINGER. Tell us what is the necessity for the amendment.

Mr. CARMACK. It is really important, Mr. President. The money is badly needed, and the amount appropriated is very insufficient, even with that amendment.

Mr. GALLINGER. Mr. President, as I think and hope this is the last amendment to be asked for increasing appropriations I will not resist it, but I suggest to the Senator that perhaps he will not stand as good a chance of getting anything if he makes this amount very large.

Mr. CARMACK. For that reason I have limited the increase proposed by my amendment to \$50,000. I would have made it more but for the fact which the Senator from New Hampshire suggests.

Mr. GALLINGER. There is some very good reason for a large appropriation at that point. I am myself aware of that fact, and I will not resist the amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on the amendment of the Senator from Tennessee to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I hope the bill will be reported to the Senate.

The PRESIDING OFFICER. If there be no further amendments, the bill will be reported to the Senate as amended, and the amendments not reserved will be concurred in.

Mr. MILLARD. Mr. President—

Mr. GALLINGER. The Senator from Nebraska wishes to reserve one amendment, and I think his suggestion ought to be complied with.

The PRESIDING OFFICER. The amendments made as in Committee of the Whole, with the exception of the amendment reserved by the Senator from Nebraska [Mr. MILLARD], will be concurred in, in the absence of objection.

Mr. MILLARD. Referring to the amendment I sent to the desk a short time ago, I will ask that an amendment be made on page 71, line 9. On that page I move to strike out the word "one" before the word "hundred" and insert the word "two."

The PRESIDING OFFICER. The Chair understands that that amendment has already been made and agreed to as in Committee of the Whole.

Mr. MILLARD. I do not so understand.

Mr. GALLINGER. Let the amendment as it was adopted be read, so that the Senator may see what proposed amendments he desires to offer.

The Secretary read as follows:

Improving Missouri River: Continuing improvement, including snagging, \$200,000, of which amount \$90,000 may be expended between the mouth and Sioux City, Iowa; \$10,000 for improvements at Hermann,

Mo., and \$100,000 above Sioux City, Iowa, \$50,000 of which shall be used north of the forty-sixth parallel.

Mr. MILLARD. The amount between the mouth of the river and Sioux City is entirely too small, I think. There has been a large amount of work done there by the Government in past years and more is needed to protect it. I do not think the amount provided is sufficient. I ask that it be increased.

Mr. LODGE. I wish to ask the Senator in charge of the bill how many of these increases are going to be allowed? We all of us have projects and increases that we would like to have made, and we have refrained—I know I have—with a desire not to embarrass the bill. But if increases are to be made here and there for different Senators, it puts all the rest of us in the very awkward position that we are not pressing the projects which have been rejected or the increases that have been refused in committee. I should like to say to the Senator from New Hampshire that if these increases are going to be made at the request of individual Senators, there are many of us who will feel obliged to ask for increases.

Mr. GALLINGER. Mr. President, I think it is safe to say that there never has been a river and harbor bill passed through the Senate with so few increases made upon motion of Senators after the bill had left the committee. There have been two or three amendments offered to-day, which, in my judgment, were entirely proper amendments, and they did somewhat increase the appropriation.

So far as the Missouri River improvement is concerned, I felt when the committee acted upon it that it had acted very generously. It is known to some of us that there is not any commerce on the Missouri River to-day. I have personal knowledge of that fact, because I chanced to be a member of a committee which made an examination of that river only a few years ago, and as the result of that examination the Missouri River Commission was abolished. But the committee did allow a very considerable appropriation for the river.

On motion of the Senator from North Dakota, that appropriation has been somewhat increased, and, as I understand, the Senator from Nebraska proposes to ask for a hundred thousand dollars more. I said to the Senate when the Senator from Nebraska proposed that amendment in Committee of the Whole that I would resist the amendment, as I shall resist it to the utmost of my power. I think we have gone to the limit, so far as the Missouri River is concerned, when we take into consideration the amount of money carried in the bill. But I believe the Senator from Nebraska has not had an opportunity to present his amendment.

Mr. MILLARD. I have no further amendment to offer at the present time, but I should like to have the Secretary read the amount appropriated in this bill for the river between Sioux City and the mouth.

The Secretary read as follows:

Ninety thousand dollars may be expended between the mouth and Sioux City, Iowa.

Mr. MILLARD. You might as well expend nothing as to expend \$90,000.

Mr. GALLINGER. I will ask the Senator if he did not suggest in Committee of the Whole that he proposed to strike out "two hundred" and insert "three hundred."

Mr. MILLARD. Yes; I did.

Mr. GALLINGER. The Senator is not going to offer that amendment?

Mr. MILLARD. No; I was going—

Mr. GALLINGER. He simply proposes to take a larger amount from the aggregate sum, to be expended between the mouth and Sioux City?

Mr. MILLARD. That is what I desire.

Mr. GALLINGER. I do not know that I shall object to that, because I have not any knowledge as to the necessity for it.

Mr. MILLARD. I know as to the condition of the river between St. Joseph and Sioux City, and it is very desirable to increase the amount by at least fifty thousand or a hundred thousand dollars.

The PRESIDING OFFICER. What is the amendment of the Senator from Nebraska?

Mr. MILLARD. What I desire is that it should read this way: On page 71, line 9, the word "one" should be stricken out and "two" inserted—

The PRESIDING OFFICER. That has already been done.

Mr. MILLARD. That "ninety" should be stricken out and "one hundred and ninety" inserted.

Mr. GALLINGER. But that the Senator may know exactly how it stands, not only was that done, but "and seventy-five" was stricken out.

Mr. MILLARD. I understand that.

Mr. GALLINGER. Is that agreeable to the Senator?

Mr. MILLARD. I suppose it will have to be.

The PRESIDING OFFICER. Then the Senator will leave nothing for the remainder of the river above Sioux City, if it is changed in that way.

Mr. GALLINGER. I will merely say there is \$25,000 leeway as the matter stands, and the Senator can not very largely increase the amount unless he decreases some other amount.

The PRESIDING OFFICER. Will the Senator from Nebraska kindly perfect his amendment so that the Secretary may state it?

The SECRETARY. It now reads, "ninety thousand dollars may be expended between the mouth and Sioux City, Iowa; \$10,000 for improvements at Hermann, Mo., and \$100,000 above Sioux City."

Mr. MILLARD. I desire to increase the amount between Sioux City and the mouth of the river by \$50,000.

Mr. GALLINGER. Where will the Senator get that amount unless he decreases some other item?

Mr. MILLARD. I do not wish to decrease any other, but I want to increase that amount.

Mr. PLATT of Connecticut. As the appropriation now stands it is \$200,000, is it not?

The PRESIDING OFFICER. That is correct.

Mr. PLATT of Connecticut. Then there is \$25,000 leeway.

The PRESIDING OFFICER. The total below has been increased; the "seventy-five" has been increased to "one hundred."

Mr. PLATT of Connecticut. There is no leeway if that has been done.

The PRESIDING OFFICER. There is no leeway.

Mr. MILLARD. I wish to increase the \$50,000.

The PRESIDING OFFICER. What is the amendment of the Senator?

Mr. MILLARD. The increase to go between Sioux City and the mouth.

Mr. GALLINGER. Let the question be put.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "hundred," in line 9, it is proposed to insert "fifty," so as to read "two hundred and fifty thousand dollars, of which \$140,000 may be expended between the mouth and Sioux City, Iowa; \$10,000 for improvements at Hermann, Mo., and \$100,000 above Sioux City."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska:

The amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 10, 11, 13, 14, 15, 16, 17, 25, 29, 30; and agree to the same.

On amendments numbered 7, 8, 9, 12, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 33, the committee of conference have been unable to agree.

EUGENE HALE,

GEORGE C. PERKINS,

THOMAS MARTIN,

Managers on the part of the Senate.

GEORGE EDMUND FOSS,

ALSTON G. DAYTON,

ADOLPH MEYER,

Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate insist upon its amendments not agreed to by the House and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PERKINS, and Mr. MARTIN were appointed.

ADDITIONAL JUSTICE OF THE SUPREME COURT OF ARIZONA.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT of Connecticut. I wish the Senator from Massachusetts would withhold his motion for a moment.

Mr. LODGE. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I desire to make a statement, to be followed by a request for the passage of a bill.

The Judiciary Committee has reported a bill providing for an additional justice of the supreme court of Arizona. An additional justice there is very much needed, and unless the bill passes now and can go over to the House this afternoon it will not be passed at this session. I ask unanimous consent that that bill may be considered.

Mr. LODGE. I yield to the Senator from Connecticut for that purpose.

Mr. PLATT of Connecticut. I ask unanimous consent that the bill (S. 7184) to provide for an additional associate justice of the supreme court of the Territory of Arizona, and for other purposes, may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 12, on page 1, section 2, to strike out, after the word "qualified," the words "the chief justice and associate justices of said supreme court shall each receive as compensation the sum of \$4,000 per annum."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER FOR RECESS.

Mr. ALLISON. I move that at 6 o'clock the Senate take a recess until 8 o'clock this evening.

The motion was agreed to.

STATEHOOD BILL.

Mr. BAILEY. I desire to present what I think is a privileged resolution, which, under the rules, must lie over for a day. I ask that it be read and printed.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Mr. BAILEY moves that the order heretofore made by the Senate insisting on its amendments to H. R. 14749, a bill "to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and agreeing to a conference be rescinded; that the conferees heretofore appointed on the part of the Senate be discharged from further duty in that behalf, and that the Senate recede from its amendment on page 23, No. 46, and its amendment on page 42, beginning with line 9, down to and including line 24 on page 59, in the print of February 9, 1905, and insist upon its other amendments to the said bill.

Mr. BAILEY. If it should happen that the conferees report, of course I shall not desire to call up the resolution. Otherwise, to-morrow I will ask for action on it.

Mr. PLATT of Connecticut. I should like to make a suggestion. I suppose the bill is not before the Senate.

Mr. BAILEY. The resolution, however, will bring it before the Senate, if we adopt it.

Mr. PLATT of Connecticut. I do not think the resolution would bring the bill before the Senate.

Mr. BAILEY. I think—

Mr. PLATT of Connecticut. But I do not know.

Mr. LODGE. The resolution goes over, under the rule.

The PRESIDING OFFICER. The Senator from Texas asked that it might be printed and lie on the table.

Mr. McCREARY. The resolution goes over for one day.

The PRESIDING OFFICER. The Senator from Texas did not ask for present consideration. The resolution will lie on the table, and be printed.

BIG SANDY RIVER (KENTUCKY) BRIDGE.

Mr. McCREARY. I ask the Senator from Massachusetts to yield to me for a moment to pass a little bridge bill.

Mr. LODGE. I can not yield for the passage of bills. I will yield for morning business. However, I will yield to the Senator from Kentucky to have this bill passed, and then I shall not yield again for the passage of a bill.

Mr. GALLINGER. If the Senator will permit me a moment, I wish to say that at the first favorable opportunity—and I apprehend we will have an opportunity in the near future—I am going to ask that we go to the Calendar for the consideration of House bills.

Mr. McCREARY. I ask unanimous consent for the present consideration of the bill (H. R. 17935) authorizing the Louisa and Fort Gay Bridge Company, of Louisa, Ky., to erect a bridge across the Tug and Levisa forks of the Big Sandy River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I desire to give notice that I shall ask the Senate to consider the sundry civil appropriation bill this evening.

PUBLIC LANDS COMMISSION.

Mr. NEWLANDS. I ask unanimous consent for the printing of 5,000 extra copies of Senate Document No. 154, being the report of the Public Lands Commission. The cost will be less than \$100.

Mr. GALLINGER. What is the document?

Mr. NEWLANDS. Senate Document No. 154, being the report of the Public Lands Commission.

Mr. CULLOM. I understand a large number have already been ordered quite recently.

Mr. LODGE. Twenty-five thousand copies.

Mr. NEWLANDS. I have not so understood.

The PRESIDING OFFICER. The Chair was informed that the other day 25,000 were ordered printed.

Mr. NEWLANDS. If that is true, I withdraw the request.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session, the doors were reopened.

LEWIS AND CLARK CENTENNIAL EXPOSITION.

The PRESIDENT pro tempore. Under the resolution accepting the invitation to Congress of the Lewis and Clark Centennial Exposition and Oriental Fair, the President pro tempore was authorized and directed to appoint a committee of ten Senators; and the Chair appoints as such committee Senators HANSBROUGH, CLARK of Wyoming, McCOMAS, DILLINGHAM, GAMBLE, BALL, DANIEL, McCREARY, NEWLANDS, and OVERMAN.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I submit a conference report on the agricultural appropriation bill, on which I ask immediate action.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 50, 92, 97, 129, 133, 134, 143, 145, 181, 182, 183, and 206.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 203, 204, 205, 206, and 207; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 4, page 11 of the bill, strike out the word "ninety-seven" and insert in lieu thereof the word "ninety-two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lines 5 and 6, page 16 of the bill, strike out the words "six hundred and twelve thousand four hundred and eighty" and insert in lieu thereof the words "five hundred and forty thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In line 9, page 42 of the bill, strike out

the word "thirty-five" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows: In line 16, page 42 of the bill, strike out the word "sixty" and insert in lieu thereof the word "fifty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows: In lines 15 and 16, page 64 of the bill, strike out the words "eight hundred and thirty-seven thousand five" and insert in lieu thereof the words "six hundred and ninety-two thousand six;" and the Senate agree to the same.

REDFIELD PROCTOR,

H. C. HANSBROUGH,

A. C. LATIMER,

Managers on the part of the Senate.

J. W. WADSWORTH,

E. S. HENRY,

JOHN LAMB,

Managers on the part of the House.

The PRESIDENT pro tempore. If there be no objection, the conference report will be agreed to.

Mr. BACON. Mr. President, I was waiting to hear whether the Senator from Vermont [Mr. PROCTOR] had any motion to make in reference to that report. I do not mean to precipitate it, of course, but I simply do not desire to have it passed over without having something to say regarding it. I do not know whether the Senator from Vermont desires that the report shall be acted on at this time or not.

Mr. PROCTOR. Of course I shall be glad to have the report acted on as promptly as possible on account of the lateness of the session.

Mr. BACON. The Senator must not misunderstand me. I was only asking whether the Chair understood the motion to be made to agree to the conference report, and whether it was to be passed upon at this time or go over. That is the reason I made the suggestion. I am perfectly willing that the report shall be considered now. I made the inquiry simply that I might be informed of the situation. I desire to know whether the Senator from Vermont has made the motion that the report be now acted upon.

The PRESIDENT pro tempore. The Chair understood the motion to be made, and he is acting accordingly.

Mr. BACON. I was uncertain, and that is the reason I made the inquiry. I desire to say a word or two about one item which has been passed upon by the conference committee.

Mr. HEYBURN. If I may, I should like to inquire whether or not the conference report has precedence over the unfinished business? I ask that the unfinished business may be now laid before the Senate.

The PRESIDENT pro tempore. Conference reports have preference.

Mr. HEYBURN. The conference report has been made?

The PRESIDENT pro tempore. The conference report has been made, and the motion has been made that it be agreed to. The unfinished business, being the pure-food bill, is laid aside temporarily for that purpose.

Mr. HEYBURN. Then that does not require unanimous consent?

The PRESIDENT pro tempore. It does not.

Mr. BACON. Mr. President, I was proceeding to say that I desired to make a few remarks about one item in this conference report.

When the bill was before the Senate an amendment was offered by myself substantially to the effect that hereafter the Secretary of Agriculture, instead of making monthly reports upon the condition of the cotton crop, should make semimonthly reports, and I endeavored to explain to the Senate the reason why that was considered to be an important change in the present regulations.

I in brief stated to the Senate that on account of the reports now being made only monthly, as a consequence, in the interval of thirty days, there was such a serious fluctuation in the condition as to make a very great fluctuation in the price, and that that fluctuation was largely determined and accepted by the public by the report of the Secretary of Agriculture.

I gave as an instance that in the month of November—I think that was the month, but at any rate it was one of the autumn months—at the beginning of the month, when the report was made, the condition was such as to indicate that there would be a very short crop, and in consequence of that the price, fixed by the market in consequence of the report made by the Agricultural Department, was very high; that during the succeeding month,

and before the next report, the conditions rapidly changed, and by the end of that month they indicated such a different result as to the size of the crop—in other words, indicated a so much larger crop than had been indicated by the report of the month before—that the price fell all at once 2 or 3 cents a pound. This sudden fall in price was due to the information which was promulgated in the report made by the Secretary of Agriculture at the close of the month—information which he had been receiving all during the month, but of which information, on account of the regulations, the public was uninformed, and in consequence had been deprived of the opportunity to take advantage.

In consequence the planters, who had held their cotton under the influence of the report given out at the first of the month, found themselves the losers of \$40,000,000 by reason of the change in conditions, which change had been gradual, but the result was not known until the close of the month. In consequence of this change there was a sudden drop in the price, by which the cotton then in the hands of the planters and not previously disposed of suffered a diminution in value of some \$40,000,000.

I explained that if this information had been given out periodically in the interval, while it would not have arrested the decline in the price of cotton, that decline would have been gradual, and it would have distributed that loss in such a way that it would not all have fallen upon the planters alone.

I endeavored to show that not only the planters were interested in this matter, but all those who use cotton, either as manufacturers or those engaged in mercantile pursuits connected with the purchase and sale of cotton, were also interested. I endeavored to show that the cotton industry was an extremely large industry, one very wide-spreading and extensively ramifying in its influence upon the trade and the industries of this country. Those engaged in agricultural industries, in manufacturing industries as laborers, and in the merchandising of cotton, domestic and foreign, were all interested in the knowledge of the condition of the crop at short intervals, so that they might protect themselves against loss from sudden fluctuations. No less than the planter, particularly were the spinner and the manufacturer interested in knowing the condition of the crop, in order that they might know how to make their purchases of raw material for the purpose of manufacture.

I stated, Mr. President—and this brings me more immediately to the matter—that the convention of cotton planters in New Orleans had requested that there be a semimonthly report instead of a monthly report.

I made that statement, not from having read the resolution, but from the general statements which I had seen in the press. The Senate by practically a unanimous vote, after the matter had been properly presented, and with the entire concurrence of the Agricultural Committee and of the honorable chairman of that committee, adopted the amendment providing for semimonthly reports, and the bill went into conference. When the bill went into conference it was opposed by the other branch of Congress, or by those who were sent to represent it, and the statement which I had made, that the planters had asked for this change so that they might have semimonthly reports instead of monthly reports, was challenged and denied.

When that denial was reported to me, I took pains to ascertain exactly what was the action of the convention and what is the present wish of those who represent this tremendous industry, with a product of over \$600,000,000 a year and with an export value more than four times as much as any other single article of produce in the United States, whether it be agricultural, or mineral, or manufactured.

Mr. WARREN rose.

Mr. BACON. I will correct that statement, which of course was made inadvertently. I do not mean to say four times as much. Instead of that, I should say more than any other four articles of export from the United States. Take the largest four articles of export, whether agricultural, mineral, or manufactured, and the export of cotton exceeds all four of them put together, and brings more gold dollars into this country and does more to maintain the balance of trade in favor of the United States than all four of the others combined. All the gold that is dug in the mines of the whole world in one year will not pay for the cotton exported from the United States during the same time.

I was proceeding to say the action of that convention representing this gigantic industry, which had thus been understood by me from the newspaper publications, I had endeavored afterwards to ascertain, and I find that, while it is not literally in accordance with what I had understood and what I represented to the Senate, practically it is the same thing. I will read one of the resolutions adopted by that cotton convention at New Orleans. I am reading from the official report of it, as

found in the Trade Index under the head of "Cotton." One of those resolutions is in these words:

Resolved, That the report of the committee on statistics adopted by this convention is not intended as a criticism of the General Government as to the work done and being done by the Agricultural Department, but, on the contrary, we tender our thanks to the Government for its work along this line, and we hereby memorialize Congress to make sufficient appropriation to render this work more efficient.

When that convention, commending as it did the statistical work of the Agricultural Department in the reports which it made on cotton, asked that it be rendered still more efficient, of course the statement meant that there should be reports made at shorter intervals than previously; and I presume it was upon the basis of that resolution and the proper construction of it that it was published all over the land that they would ask for statistics at shorter intervals. So there was practically no difference between what I have said and that which represents literally the action of the convention.

But, not content with that, as this matter was controverted, I addressed a telegram to the president of the New Orleans convention, who, at the conclusion of the convention, after having been thus chosen as its president, was chosen as the head of the Southern Cotton Growers' Association. In other words, he is president of the association embracing those who grow cotton in all of the cotton area, an organization which is set out in this report as having been made practically covering every county in the United States in which cotton is grown. I asked in the telegram if it were true that the New Orleans convention had made a request of Congress that they should have semimonthly reports instead of monthly reports, and I now read to the Senate his reply. It is addressed to me in Washington and is as follows:

MONTICELLO, GA., February 27, 1905.

Hon. A. O. BACON,
United States Senate, Washington, D. C.:

New Orleans convention simply passed resolution favoring continuance of reports by Department of Agriculture and Census Bureau. The general sentiment throughout the South is in favor of reports at least twice each month, if they can not be secured more often. If the Department of Agriculture and Census Bureau refuse to give semimonthly reports and it is in the power of the officials to do so, they will discourage the support of the cotton producers and ginners throughout the South, as the present monthly reporting method is exceedingly unsatisfactory and is detrimental to the legitimate business interests of the cotton business.

HARVEY JORDAN,
President Southern Cotton Association.

He is a man whom I know personally, and about whose opportunity for information and of whose capacity to judge correctly there can be no doubt by anyone who is familiar with his work and his wide experience and touch with all those who are engaged in this great industry. I have said this much in order that there may be no doubt about the fact that when there was presented this request for this simple thing, that instead of monthly reports there should be semimonthly reports, it was a reflection of the sentiment and wish and the earnest desire of all of those engaged in this great industry, so essential not only to the internal affairs of the country, but so essential in the preservation of the great balance of trade between us and foreign nations.

Mr. President, for a week the conferees on the part of the Senate have been struggling with the conferees on the part of the House to retain this amendment in the bill, and in the face of the most pertinacious and unyielding opposition, at last, in order to save the bill and to protect other great interests which are provided for in the bill, the Senate conferees have had to yield. I recognize that the Senate conferees have done their full duty and have done their utmost to carry out the wish of the Senate in this regard. I do want to say one or two things about the conditions and the influences which have been used for the purpose of forcing this result.

The insistence of the conferees on the part of the House, I repeat, has been pertinacious and unyielding, and, I think, unreasonable in view of the conditions existing. The fact must not be forgotten, Mr. President, that nobody could be harmed by granting to the cotton planters what they wish in this matter. It is passing strange why there should have been such intense opposition to semimonthly cotton reports. They could affect no other legitimate industry. They may affect some other people, of whom I am going to briefly speak presently.

It was the universal wish, speaking generally, of all those engaged in this great industry that this should be done, and yet the opposition was pressed to the extent of saying to the conferees on the part of the Senate that this entire agricultural appropriation bill should fail rather than that they would consent to such an amendment as that providing for semimonthly reports of the condition of the cotton crop.

I ought to say that the Senator from Vermont [Mr. PROCTOR] himself put in the amendment for the appropriation of \$50,000,

adding to that which had been previously provided for in the bill; and that was not done at my instance. I left that entirely to him. The question of money, as I understand it, did not practically enter into the question of difference between the conferees, for, as I am informed, the House conferees rejected even a modified amendment, proposed by the Senate conferees, appropriating only enough money to pay for increased clerk hire and stationery. It was just simply a determination that the amendment in any shape should not be adopted, and I think I am justified in saying that here under the circumstances, and I know what I say will be corroborated by the conferees of the Senate.

Mr. President, there is one thing I think I am called upon to say here, and that is that those who are chosen simply for the purpose of executing the law, who are not charged with the duty of making the law, who are not responsible for the making of the law, but who are simply required to execute the law, have busied themselves officiously and pertinaciously and improperly in the effort to defeat this legislation while it was before the Senate and after the bill went into conference. I do not refer to the heads of Departments, because I think it is proper that they should give to the Congress all their information and that they should state their views plainly as to proposed legislation which will affect the Department over which they preside. I am speaking of subordinates. I am speaking of those who are not charged with that responsibility, whose sole duty it is to obey orders.

They have haunted the corridors of this Capitol and the committee rooms in order to enforce their views as to what law should pass and whether or not this particular amendment should be passed. They have represented that they could not execute the law if it were passed.

Mr. President, all I have to say is that the business of a subordinate in an executive office is to give his opinion when it is asked for and to rest at that, and if he is charged with the execution of the law to execute it to the best of his ability, and if he undertakes to urge a reason why a law should not be passed, and more particularly to busy himself in the effort to defeat a measure after it has once passed one of the branches of Congress by persistently urging that he can not execute the law if enacted, the best thing that can be done is that he shall be gotten rid of, either voluntarily or be required to give up his position to somebody else who can carry out the will of Congress. The Executive Departments are not designed to dictate to Congress what law it shall pass and what law it shall not pass.

Mr. President, I wish to say just one other word in this connection, because this is no light matter. It means millions and tens of millions of dollars to those engaged in the production of cotton, as has been experienced by them within the past few months, and it is causelessly and capriciously denied to those people. What possible objection can there be to this? What industry can it injure to have semimonthly reports instead of monthly reports? It can not hurt any legitimate industry. There is, however, one occupation which it can very seriously hurt, and that is the occupation of the cotton gambler, the man who wants to take advantage of violent fluctuations, the man who wishes to produce violent fluctuations, the man who wishes to know of conditions which will certainly produce violent fluctuations, while those who are engaged in legitimate business may be kept in ignorance of changing conditions which will produce violent fluctuations.

Of course it stands to reason, it is plain, that if there is an interval of a month between the reports of the Department, and those reports are so influential, are taken to be so correct, that the price corresponds to the changed conditions in the crops which those reports indicate—it stands to reason that if those reports are kept back a long period, during which there may be this unknown and violent fluctuation, that if it is possible for anybody, while others are in ignorance, to know himself the changing conditions which produce these fluctuations, that person has the opportunity to make millions of dollars in a day.

I do not charge anybody with having thus made these millions of dollars, but I do say that it puts the power in the hands of one man, which ought not to be in the hands of any man, by communicating information, to have those to whom that information is communicated make millions and tens of millions at the expense of those who are kept in ignorance of it.

I repeat, I do not say that there has been anything of the kind, but it is a most remarkable fact, one that I have not been able to find anybody to suggest an explanation of, that in a matter concerning only these cotton planters, in a matter which did not involve any considerable expenditure of money, there should have been determined and unalterable and unyielding opposition to the granting of this simple request—that they should have semimonthly instead of monthly reports. And while I disclaim any suggestion or charge that there has

been any improper disclosure by any of the subordinates, certainly no man for a moment could understand me as suggesting or suspecting that anything of this kind could have occurred with the connivance or knowledge of the Secretary of Agriculture, because I am sure he would burn his arm off before he would do it—and I do not know how I can make it any more emphatic than that—while I disclaim that, some most remarkable things have occurred.

There has been at least once what you might call a psychological incident, an account of which was published in the newspapers. I suppose the statement was correct. It was published in the newspapers that on the day during the last cotton season when one of these reports came out, an hour before the report was given to the public, it was known in New York and telegraphed to Savannah and made public on the cotton boards in Savannah one hour before it was given to the public. It is, of course, a pure accident that an hour before the report is given out there should be telegraphed from New York to the cotton boards in Savannah the exact report as it came out an hour afterwards from the Agricultural Department. I say, attributing it solely to accidental coincidence, there was a psychological incident—how it was that in the absence of disclosure the mind of a man in New York could have conceived exactly the knowledge in the mind of a man in Washington. That was a psychological incident worthy to be recorded among the many remarkable incidents in the history of that remarkable science.

Mr. President, I have not the slightest evidence that there has been any impropriety on the part of any particular individual connected with the Agricultural Department or out of it, and I would make no charge of that kind against a man unless I was in possession of evidence with which I could support it, but I have stated simple facts. I have stated the fact that this great industry asked this of Congress, and I repeat what I said when the bill was before the Senate, that if the wheat industry had asked it there would not have been hesitation as to granting it. I have said that the Senate, after having it fully suggested and explained to it, yielded to the request and voluntarily put on an appropriation of \$50,000 to make its action in that matter effective.

I have said that, in the absence of any appreciable reason except the personal objection on the part of a subordinate that he could not carry it out, the conferees on the part of the House have been unyielding in their opposition, to the extent of saying that this great agricultural bill should fail unless the amendment was yielded. Not only so, but they refused to submit the question to the House when the Senate conferees, as I am informed, proposed that if they would thus submit the question of this amendment to the House they, the Senate conferees, would no longer urge its adoption if the House disapproved of it.

The objection that semimonthly reports would result in a pay department for gathering reports was a pure imagination without any foundation in fact. If a monthly report can be successfully carried on by voluntary agencies, a semimonthly report can be made in the same way. The planters themselves would, when necessary, assist in securing for the Department the voluntary assistance of reliable and competent reporters. Personally I would not favor a paid corps of reporters, which would be objectionable for many reasons besides that of expense.

I have shown, Mr. President, that no legitimate business could possibly have been made to suffer by this measure; that, on the contrary, every legitimate business would have been advanced in its interest, and that the only occupation which could have had, so far as I can judge, any interest in opposition to this amendment is that of the cotton gambler, that the public might be kept in the dark for thirty days as to these changing conditions in order that he might take advantage of the violent fluctuations which would necessarily occur when these reports were made a month apart.

I repeat, Mr. President, I think the conferees on the part of the Senate have done their full duty. The responsibility for this great wrong to the cotton planter does not rest with them, nor does it rest with the Senate, and I felt it was due to myself and to the Senate that I should say this much.

Mr. CARMACK. Mr. President, I wish to go back very briefly to the question presented in a little colloquy between the Senator from Massachusetts [Mr. LODGE] and myself the other day with respect to matters pertaining to the oriental trade. I made at that time some general statements which I was not prepared at the time to substantiate by statistics, and those statements were controverted by the Senator from Massachusetts. In the course of that colloquy I said:

I should like to ask the Senator if he does not know it to be a fact that our trade with the East had been increasing rapidly long before we ever took possession of the Philippine Islands or ever thought of taking those islands?

To this the Senator from Massachusetts replied:

No; that is not the case. I went into that pretty carefully at one time. I have not the figures here, but the increase from 1898 in the East was very much more rapid than before. There is no doubt, I think, of that.

Mr. President, I have here the Statistical Abstract for 1903, the latest publication, and I wish to present the figures very briefly to the Senate.

Our exports to Asia in 1894 were \$21,000,000. In 1898, in a period of four years, they had increased to \$44,000,000, an increase of over 100 per cent. In 1903 our exports to Asia were \$58,000,000, or an increase in five years of only 32 per cent.

The exports from the United States to Oceania in 1894 were \$11,900,000. In 1898 they were \$22,000,000, an increase in a period of four years of nearly 100 per cent. In 1903 our exports to Oceania were \$37,000,000, or an increase in five years of less than 70 per cent.

With respect to our eastern trade in general, Mr. President, I wish to present a few figures. The population of British India is about 300,000,000. Its total imports from all the world are about \$264,000,000. The population of China is about 425,000,000; the total imports about \$200,000,000 per annum. The population of Japan is estimated at about 48,000,000. Its total imports are about \$135,000,000 per annum. The population of Canada is about 5,000,000; its total imports about \$240,000,000; its imports from the United States alone about \$137,000,000.

So, Mr. President, if we could sell to the 300,000,000 people of British India one-half of all the goods they buy from all the world, or as much as all the other countries of the world combined, it would still be less than we are now selling to the 5,000,000 people of Canada. If we could sell to the 425,000,000 people of China two-thirds of all the goods they buy from all the world, or twice as much as all the other countries of the earth, it would still be less than what we are now selling to the 5,000,000 people of Canada. If we could sell to the 48,000,000 people of Japan all the goods they buy from all the world, it would still be less than we are now selling to the 5,000,000 people of Canada.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist upon its amendments and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. McCUMBER, and Mr. DUBOIS were appointed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I desire to present the conference report on the Military Academy appropriation bill.

The PRESIDENT pro tempore. The conference report will be read.

Mr. HEYBURN. Is any action to be taken on the report?

The PRESIDENT pro tempore. I have no doubt there will be. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17984) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 20, 22, 23, 24, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 16, 17, 18, 21, 25, 26, and 27; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 1 of said amendment strike out

the word "three" and insert in lieu thereof the word "two," and in line 5 of said amendment strike out the words "four thousand five hundred" and insert in lieu thereof the words "three thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all matter inserted by said amendment and insert in lieu thereof the following: "fifty-five thousand two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "five thousand" and insert in lieu thereof "two thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: "fifty-nine thousand eight hundred and ninety-five;" and the Senate agree to the same.

F. E. WARREN,

J. V. QUARLES,

JO. C. S. BLACKBURN,

Managers on the part of the Senate.

J. A. T. HULL,

RICHARD WAYNE PARKER,

JAMES L. SLAYDEN,

Managers on the part of the House.

Mr. BAILEY. Mr. President, I observe that the two Houses have matched their courtesies against each other. The Senate first provided for retiring Brigadier-General HAWLEY, and the House replied in kind by providing for the retirement of General Osterhaus.

It may not be a gracious thing to do, and it certainly is not an agreeable duty for a Senator to feel compelled to protest against this kind of legislation. But if Congress is to pursue this course another fifty years, every prominent man who happens to be old and poor will be provided with a place upon the retired list of the Army of the United States.

If this policy could be justifiable in any instance, perhaps it is in these two instances, but I beg the Senate to remember that the Government of the United States has discharged its obligations fully to both these distinguished soldiers. General HAWLEY served his country well in the time of war and has served it well in time of peace as a Senator of the United States; but, sir, the Government has done its part by General HAWLEY just as fairly and as fully as he has done his part by the Government. I protest against this policy, because it leads inevitably to a civil pension list under this Government.

If General HAWLEY and General Osterhaus, forty years after they rendered their military service, are entitled to a place upon the retired list, why is not the Senator from Nevada [Mr. STEWART], whose service is soon to expire here, as well entitled? The Senator does himself credit by nodding his dissent from the proposition that he would be entitled; and yet I declare that a man who serves his country faithfully in a political position deserves just as well as a man who serves it with fidelity in a military or a judicial capacity.

We are not content with taking men from active military life and retiring them upon a salary larger than men of equal merit receive when upon active duty. I regret to say that the Senate of the United States has put itself upon record as insisting that it shall sometimes happen that a man on the retired list who because of his very retirement is able to accept service under another jurisdiction shall be permitted to assess the Government of the United States an additional 25 per cent because it permits him to engage in another service for another pay.

But whatever answer may be made to the objection against the retired list for the Army, there can be absolutely no defense for this policy of taking men who are 40 years from their military service and providing for their age and infirmities by retiring them as officers of the Army.

This policy must either end or it must include other classes within its benefaction. I believe it ought to end; and I record the prediction here and now that unless it does end it will be extended and extended until within the lives of Senators who are serving here it will not be an unusual proposition to see the Congress of the United States provide an old-age pension for men of distinguished service simply because they did not have the prudence to provide by their own economy for their old age.

I do not know the financial condition of these beneficiaries. I do not know whether they need this generosity of the Government; but I do know the Government is under no more obligation to provide for them than it is to provide for any other

distinguished citizen who has served it faithfully and finds himself old and in need. Burns has beautifully said that "Age and Want are an ill-matched pair." But prudent men through all the generations have provided themselves against that "ill-matched pair," and they ought to be left to provide against it hereafter.

Without intending to be personal, Mr. President, and taking advantage of his absence, I call attention to the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations. He has now served longer in this body than any other Senator in all the history of the Republic—more than thirty-two years. By his watchful guardianship over the public Treasury he has saved to the Government and to the people of the United States hundreds of millions of dollars; and yet, sir, at the end of his long, useful, and distinguished career he would protest against a provision made like this in his behalf.

Why, sir, shall we constantly assert by our legislation a distinction between the civilian and the soldier? Why is it that because a man has once worn the epaulets of an officer the Government shall be held under higher obligation to him than to his brother who gave the best years of his manhood to patient and laborious effort to perfect our laws?

I refuse to believe that the soldier is any more useful in a republic than a civilian. I believe the man who gives his strength and wisdom to the service of his country in its legislative halls establishes as high a claim upon its gratitude as the man who serves it on the tented field.

Mr. President, I recognize how useless it is to declaim against this practice, and every Senator will understand how unpleasant it is to feel impelled to do it. But I am unwilling to see such legislation pass without a single voice lifted in protest.

The provision which appears in the bill was inserted by the Senate while I happened to be performing my public duties outside the Chamber and in a committee room, or I should then have protested against it. Not having the opportunity then, I find myself with a double reason now, because the House, following the Senate's example, has added another as entitled to the bounty of the Government.

Mr. President, if I could obtain a separate vote upon this item of this conference report I would do so, though I know how reluctant Senators who have served for years with Senator Hawley would feel to vote against this provision in his favor. But it is not a question of personal favor with me. It is a question of our right to vote the people's money out of a friendly consideration to any man, however distinguished or worthy he may be.

Mr. WARREN. Mr. President, I desire to call the attention of the Senator from Texas to the fact that this practice did not begin in the Senate; that the House—and, I think, during the time the distinguished Senator from Texas was a Member of that body—placed one of its Members, as I believe it should have done under the circumstances, upon the retired list of the Navy. I am informed this was done because of the sum of the following reasons: First, because of his good services as a naval officer; second, because of his long and good service in civil life in the House of Representatives, and, third, because he was most unfortunate, physically and financially.

Now, as to Gen. JOE HAWLEY, there is no question as to his gallant service as a soldier; and I leave it for the Senate to say whether or not he has been a faithful public servant as a Senator from Connecticut, a member of this body. He, too, is unfortunate, financially and physically.

Mr. BAILEY. Will the Senator from Wyoming permit me to inquire if he would be willing to extend this same provision to every man of long and distinguished service in Congress who happened to be unfortunate, both physically and financially?

Mr. WARREN. Let me say that I shall be glad at all times, so long as I am a member of this body, subject, of course, to the changes of mind to which we are all subject, to care for those, as we do for these, whom we find in the unfortunate condition of the two men I have just spoken of, one a Member of the House and the other a member of the Senate, each of whom gave the best years of his youth in gallant and splendid war service, and the remainder of his useful life in public service—and then—a blank.

Now, we come to the case of General Osterhaus. There is, of course, something in the statement of the Senator from Texas, that the man who performs his duty well in the Halls of Congress should receive as full compensation as he who serves in the Army; but, as I have said of General HAWLEY, he served in both capacities.

As to General Osterhaus, he was born in another country. He was not a soldier of fortune; before he came to this country he was an officer in the Prussian army. He came to America, went to Illinois, and was a valued and able citizen there in civil life. He went from there to Missouri, and in Missouri his record was

that of a patriotic citizen, one who did much in the upbuilding of the State, and it is claimed for him, I think truthfully, that no man did more than he before he entered the Army to keep the State of Missouri in the Union. He accepted a place in the Union Army and made a most brilliant record. He reached the office of major-general and commanded an army corps, as did Brigadier-General HAWLEY.

There are, if I am correctly informed, but three men living to-day who commanded armies equal to those commanded by Generals HAWLEY and Osterhaus. The other one fortunately asks nothing of this Congress, because the world and Providence have treated him well. He is well mentally, well physically, and well financially. So as to the precedent, Mr. President, we have only the one left, who it is hardly probable will ever ask for what we now propose to bestow upon the other two.

Mr. BAILEY. Will the Senator permit me? If I thought this was the end, I should not have felt called upon to perform the unpleasant duty of protesting, but I perceive the trend to which the Senator from Wyoming now commits himself, and that is that any Senator or Representative of long service and great misfortune shall be provided for in the same way. I undertake to say that ten years ago no Senator of the standing of the Senator from Wyoming would have announced his willingness to support that policy.

Mr. WARREN. I should dislike to believe that I am more generous than many another man who has served in this body or in the House.

Mr. BAILEY. It is not a question of generosity; it is a question of justice.

Mr. WARREN. There have been many long years in which we have had no more than the two cases I have mentioned. I think probably the Senator from Texas can not mention another case like the cases of these two.

As to General Osterhaus, he is now 83 years old and poor in pocket.

Mr. OVERMAN. May I inquire of the Senator where General Osterhaus lives? I have been informed that he has not lived in this country for twenty-seven years.

Mr. WARREN. General Osterhaus has been much abroad. He declined a place as colonel in the Regular Army and took a consular place in a foreign country. He claims this country as his residence, and he is an American citizen. His children live in this country.

Mr. OVERMAN. Is he absent from the country now?

Mr. WARREN. Oh, no; he is here. His family lives here. He has lately been in this city, I am informed.

Mr. OVERMAN. The question I ask the Senator is if he has not been absent from the country for twenty-seven consecutive years?

Mr. WARREN. I do not think so. He had an offer as colonel in the Regular Army. Now, it is fair to presume that a colonel in the Regular Army, if it was forty years ago, as the distinguished Senator from Texas says, certainly would have reached the position of major-general long ago—of lieutenant-general, perhaps—and have been on the retired list and have been under pay all this long time. So we are paying but a very small proportion of the amount to General Osterhaus that we have paid to other officers of his standing. He would have been retired now nearly twenty years, and he would have been retired certainly at as high a rank as a major-general and received during that time that which is his right under the laws of this country, the salary of a major-general.

Now, we propose in this bill to give General Osterhaus only the pay of a retired brigadier-general—one grade less than his old rank—although Congress has in recent years passed a law giving civil war veteran officers of good record a place on the retired list one grade higher than his actual rank in active service. In the Navy it is the same.

Now, Mr. President, the Senate unanimously agreed to the amendment covering the case of General Hawley. The House took the bill up before sending it to conference and passed, I believe, unanimously upon the case of General Osterhaus. There are but these two and one other now living who commanded an army corps. So that so far as precedent is concerned it means nothing more than to provide for one or two years, or more, as the case may be, for these two gallant men now so ripe in years.

Mr. BAILEY. Mr. President, a word only in reply to the Senator from Wyoming. He says that we have saved money because General Osterhaus resigned his place in the Army. He forgets that the place which General Osterhaus resigned was filled by somebody else who drew the salary General Osterhaus would have drawn if he had remained in the Army; and consequently we have not saved a farthing, because the man who

obtained the place which General Osterhaus resigned is probably enjoying his ease in retirement and drawing the salary which General Osterhaus would have drawn.

Mr. WARREN. But General Osterhaus has long since passed the three score and ten. The man who followed him "passed on" long since, so General Osterhaus will get but a fraction of what he would have got had he remained in the service.

Mr. BAILEY. I want to call the attention of the Senator from Wyoming and the Senate to the fact that the retired list of the United States Army to-day is costing the people of this country more than the entire Army cost it the year before the war between the States.

Mr. WARREN. Yes; but liberality with the Army increases patriotism and prevents the necessity of our having a large standing army, as some foreign countries do.

Mr. BAILEY. The trouble with the Senator's statement is that we provide for the soldiers who do the fighting with a magnificent wage of \$13 a month, while we provide very liberally, as he says, for the officers who command the men who do the fighting.

The Senator likewise forgets the history of his country. With practically no army we fought and won three foreign wars before the unhappy strife between the States.

We fought and won the war of Independence without a regular army. They were volunteers who fought with Washington at Monmouth and at Trenton and who spent that long and dreary winter with him at Valley Forge. They were volunteers to whom the English surrendered at Yorktown first and afterwards at New Orleans. They were an army composed of men who were fighters in time of war and workers in time of peace, and if the United States shall unhappily hereafter engage in a great conflict, does the Senator from Wyoming ask the country to believe that its liberty shall be saved and its people rescued by the men who fight our battles for liberal pay? No free country ever yet was saved by the army which fought for the pay it received. It has been and must always be saved by the army that it can summon from the shops, the factories, the storehouses, and the fields. A Senator insults the intelligence, the patriotism, and the courage of American citizenship, which makes American soldiery invincible, when he tells us that we are only saved by being liberal toward our officers.

I have no objection to paying an officer all that his services are worth. I have no objection to maintaining a war establishment upon a modest scale; but what I protest against is that the United States to-day shall maintain a list of retired officers, to whom it pays more money than the entire military establishment of the Government cost us the year before the civil war.

Liberality, Mr. President, in the way of salaries and wages is never a safe defense for a free country. Pay these soldiers what they are worth, just as you pay these Senators what they are worth. Of course, you do not pay all Senators what they are worth; you pay some of them much less than they are worth, but you pay others a great deal more than they ever can hope to be worth.

Mr. WARREN. I am glad the Senator holds the Senate in as low estimation as he does the Army.

Mr. BAILEY. I do not hold the Senate in low estimation. Neither the Senator from Wyoming nor any other man has ever heard me say anything to disparage the Senate of the United States, for, despite the ribaldry and jests that are heedlessly uttered against it, I believe it to be the greatest and wisest of all deliberative bodies. There is less of selfishness and more of patriotism in it according to its numbers than in any legislative body of any other country in the world to-day. I do not say that all Senators are wise or well-behaved; but I do say, without the slightest hesitation, that taken as a whole the Senate is entitled to the respect and confidence of the country, and the misconduct of individual Senators is so rare as to reflect discredit upon it only as the spots on the sun obscure its bright face.

The Senator from Wyoming is mistaken in assuming that I hold the Army at a low estimation. It does not follow that I hold the Army at a low estimation because I oppose a retired list for its officers any more than it would follow that I hold the Senate at a low estimation because I would resist a law providing for the retirement of Senators or increasing their present salaries. The Senator from Wyoming may be willing to vote to increase the Senators' salary, but the Senate of the United States is not. The Senate thinks a Senator is paid enough when he is paid \$5,000 a year while he works, never hoping to get anything after his service is over.

Within the last three years we had a bill here to increase the salary of the judges. I was opposed to that bill because I thought they were getting enough. I think no salary ought to be fixed upon a basis that encourages either extravagance or

luxury. I think all public salaries ought to be so fixed as to support men in decency and comfort, enabling them to educate their children, and leaving, as the chief reward, the honors of the office. As a means of defeating it, I moved to recommit that bill increasing the salaries of judges, with instructions that the committee should report a bill also revising the salaries of Senators and Representatives. The Senate voted that motion down.

That, I assume, was the honest judgment of the Senate. I assume that the Senate believed that \$5,000 is enough. The Senator from Wisconsin [Mr. Spooner] indicates his dissent, and the Senator from Wisconsin would have the courage, without a moment's hesitation, to vote otherwise when he believed otherwise.

Mr. SPOONER. Will my friend permit me?

Mr. BAILEY. Certainly.

Mr. SPOONER. I do not think the salary which is paid to Senators is at all adequate for the service which they render here and the labor which they perform here, but I beg my friend from Texas to remember that there are large numbers of this body who feel that as they are of the department which holds the purse, the key to the Treasury, they are restrained somewhat by delicacy—mistaken or justified—from using their power over the people's money to vote some of it into their own pockets.

I would have been glad to vote to Senators here an adequate salary, but I was not willing, for one, by my vote to change my own salary, and so many Senators, I take it, felt in the same way, that the proposition, meritorious as it was, was in the Senate, as it stands, lost.

So I do not want my friend from Texas to take my vote as my opinion that the salary paid Senators or Members of the House of Representatives is a just one, for I do not think so.

Mr. BAILEY. I always take the vote of the Senator from Wisconsin to express his opinion, but, of course, I realize that there are situations where considerations of delicacy might control him, as they did in the instance to which he refers. I want to say to the Senator from Wisconsin, however—and I hope that I am not less delicate about those things than a Senator ought to be—

Mr. SPOONER. I did not mean that.

Mr. BAILEY. I know you did not. But I would no more hesitate to vote myself proper and just salary than I would hesitate to assert any other right belonging to me, and, I believe, with all due deference to the Senator from Wisconsin, that it is a false sense of delicacy which restrains a Senator from doing what is right because he happens to be a beneficiary of what ought to be done.

Mr. SPOONER. That may be.

Mr. BAILEY. I am myself opposed to increasing the salary of Senators. I realize that many Senators here in their private and professional employments could earn this salary five or ten times over, and I hope I will not be deemed to flatter when I say that the Senator from Wisconsin himself, outside of the Senate and pursuing the profession of which he is such a distinguished member, could easily command an income of \$50,000; and yet he chooses to remain in the Senate because he deems the modest salary allowed to a Senator, together with the honor which he enjoys and the satisfaction of having done some service to his country, worth more than the larger sum which he could make.

I believe, upon the whole, when the Senate refuses to increase a Senator's compensation it does so because it believes the present compensation sufficient; and yet, for the first time in the history of the Senate, this afternoon a Senator has ventured to declare that he would practically vote to pension an unfortunate Senator for life.

Mr. WARREN. Mr. President, I am not willing the Senator should quote me in that way. The Senator can quote exactly what I said, which was that I would be glad to do in the case of Senator HAWLEY what was done for a Member of the House of Representatives, Mr. Boutelle, and the action then taken, I think, was participated in by my friend from Texas.

Mr. BAILEY. The Senator from Wyoming made that same statement a moment ago, and I did not choose to reply to it then, although I perfectly understood that he meant to imply that I had consented to a provision of this character out of sympathy for a fellow-Member of the other House. The Senator from Wyoming is widely mistaken. I have never supported this kind of a provision for anybody, because I believe that this public money is a trust fund, and I do not feel justified in voting it away as a matter of personal or political sympathy.

I will vote to give from the public Treasury every dollar that any man earns while serving this Government. If you can convince me that the present army salaries are not an adequate compensation for the service, without one single moment's hes-

itation I will vote to increase them; for I believe as much in the Government paying for work as I believe in the officers of the Government working for their pay.

But, Mr. President, I also object to the injustice that the present system works as among its beneficiaries. Let us illustrate it. Here are two men who have served the Government for forty years, and both retire. Now, this retirement with pay is defended upon the theory that the Government does not pay its officers the full value of their services while in active service, and retains, under a kind of unexpressed guardianship, a per cent of his salary to be applied to his support in his old age. These two officers, each equally gallant and of equal rank, reach the age when, under the law, they are permitted to retire—or the age when, under the law, they are compelled to retire. They both retire. One dies within twenty days and the other lives for twenty years.

The man whose salary was reserved to support him in his old age, and who died almost immediately after his retirement, leaves no provision for his family. The Government does not turn over the reserved part of his salary to his widow and children; but it goes on providing very liberal support for the man who is fortunate enough not to die for twenty years.

Mr. WARREN. The Senator understands, of course, that the widows of officers draw pensions.

Mr. BAILEY. I understand; but they draw a pension upon a different theory. The man who lived twenty years, as against the one who died in twenty days, would leave a widow to draw a pension, and might leave a younger one—because the older the man sometimes the younger the widow—and hence she might draw that pension just as long as the widow of the man who died in twenty days. That is the injustice of the system. If there is to be a reservation of salary upon the theory that the officers can not be treated as competent to spend it, then the Government ought to proceed upon some fair system of calculation, so that the officer dying before his reserve was absorbed could have the satisfaction of knowing his family would receive what belonged to him.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

PURE-FOOD BILL.

Mr. SIMMONS. I ask unanimous consent for the present consideration of House bill 17941.

The PRESIDENT pro tempore. The Senator from North Carolina asks that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him.

Mr. HEYBURN. I object to the consideration of any bill by unanimous consent.

The PRESIDENT pro tempore. The Senator from Idaho objects.

Mr. HEYBURN. I ask that the unfinished business be laid before the Senate.

Mr. SIMMONS. I did not understand the Senator from Idaho.

Mr. HEYBURN. I ask that the unfinished business be laid before the Senate.

Mr. SIMMONS. I do not object to that, if the Senator will allow my bill to be considered after that.

Mr. HEYBURN. The hour of adjournment is approaching, and I desire that the unfinished business may be laid before the Senate.

Mr. SIMMONS. I ask if the Senator will not allow the unfinished business to be temporarily laid aside for the consideration of the bill I desire to have passed, which is a matter of very great importance.

Mr. HEYBURN. I will be very glad to do that, and I will do so at the proper time, when the unfinished business is before the Senate and I have made some remarks.

The PRESIDENT pro tempore. Has the bill of the Senator from North Carolina been reported from a committee?

Mr. SIMMONS. Yes, sir; the Senator from Florida reported it.

The PRESIDENT pro tempore. Is it on the Calendar?

Mr. SIMMONS. Yes, sir; it is on the Calendar.

Mr. HEYBURN. I object to the consideration of the bill now. The PRESIDENT pro tempore. The Senator from Idaho objects to the request of the Senator from North Carolina.

Mr. SIMMONS. For the present, I understand.

Mr. HEYBURN. Mr. President, am I recognized?

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. HEYBURN. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. Mr. President, from time to time, for about thirteen months, I have endeavored to secure some consideration for the pure-food bill. I think I fully realize the situation in which that bill stands to-day, and have a pretty accurate realization of the probabilities of securing final action on it; yet it is a measure that affects all the people of the country and upon which the people are asking that the Senate take action. In Congress after Congress the other House has passed a bill upon this subject and has sent it to the Senate, but that has been the end of it. There never was a time when the demand of the people from one end of the country to the other was so imperative for such legislation as it is to-day, and the Senate of the United States will be held responsible for the failure to enact legislation upon this subject.

The States of the Union have enacted pure-food laws for their protection, and that policy has been approved throughout the entire country except in the United States Senate.

Now, Mr. President, so far as I am concerned, because of being chairman of the committee that reported this bill, I desire that the responsibility for the failure to enact it into legislation shall not rest upon my shoulders individually, and it is not my intention that it shall.

The bill is very short. It has been upon the Calendar, as I say, for thirteen months, and there has not been an amendment proposed to it or suggested. The objections to it have been so indefinite and general that it is not possible to know exactly what objection is urged or entertained against it.

Mr. LODGE. Mr. President, I wish merely to say to the Senator that I have given notice of an amendment to the pure-food bill that I shall offer at the proper time.

Mr. HEYBURN. Mr. President, this is the proper time. The bill has been read, the committee amendments are before the Senate, and this seems to be the proper time for the consideration of any amendment which any Senator may have to offer.

Now, Mr. President, I ask that this matter be taken up for a vote. While the time is short, yet the bill is only three or four pages, and provides only that interstate commerce in poisonous and adulterated and misbranded articles shall not be permitted in the jurisdiction immediately under the supervision of Congress—that is, the Territories and the District of Columbia.

What objection can there be? We spend hours and hours here in discussing general propositions as to the relation which the Army bears to Congress and as to the cotton interests of the South. We have consumed from about 3 o'clock this afternoon on those topics, while the people are asking us to vote upon something that affects not any single interest in the country, but affects every man, woman, and child in the country, and I ask for a vote upon the Senator's amendment at this time.

Mr. SPOONER. Mr. President, there is much merit in certain ways in this bill. There are some very serious objections to it. It is utterly impossible, as the Senator must know, in the dying hours of the session to debate and properly to amend it. I hope the Senator will not attempt to press it to a vote.

Mr. HEYBURN. If the Senator will state what his objection to it is, it may be that I will be converted to his ideas. I do not know what they are.

Mr. SPOONER. We have more or less debated it. I ventured to suggest some objections to it which were in debate admitted to be of force. But the bill has not been amended in those respects.

There is another objection to the bill. It duplicates work already provided for. Take the item of inspection of drugs, Congress at a previous session not long ago provided as a part of the Marine-Hospital Service a laboratory and provided an expensive and elaborate affair upon which it devolved the duty of analyzing and reporting upon drugs.

Mr. HEYBURN. I would ask what item in the bill is affected by that?

Mr. SPOONER. Every item almost that goes into the human stomach and the inhuman stomach is affected by this bill. Even dog biscuits, as I read the bill, are affected, and what others are concerned I do not now stop to inquire.

Mr. HEYBURN. I think it is a question too vast—

Mr. SPOONER. Have I the floor?

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair recognized the Senator from Wisconsin, thinking the Senator from Idaho had yielded to him.

Mr. SPOONER. I yield.

Mr. HEYBURN. I am very glad to yield to the Senator from Wisconsin, but the Senator from Wisconsin, as I understood, interrupted me to make a suggestion.

Mr. SPOONER. I beg pardon.

The PRESIDING OFFICER. The former occupant of the chair recognized the Senator from Wisconsin.

Mr. HEYBURN. The Chair could not recognize the Senator from Wisconsin until I got off the floor.

Mr. SPOONER. I decline to hold the floor for a moment if my right is challenged by the Senator.

Mr. HEYBURN. I will not challenge it; and if the Senator will take up the criticism and discussion of this bill with a view to letting us know what his ideas and amendments may be rather than a general inveighing against the measure, I shall be very glad to yield the floor; and I do it for that purpose.

Mr. SPOONER. I can not accept the floor upon conditions. I have it now, I think, in my own right.

Many objections to this bill have been pointed out in the course of the debate by the Senator from Connecticut [Mr. PLATT]. I have attempted to point out some in perfect good faith, although they may have been without adequate foundation. There are others, of which I have a memorandum, but it is too late in the session, and sitting here night after night, as we are to do to-night again, to analyze this bill and proceed with its discussion, when every Senator here knows that the hour of the session has passed when it could have been voted upon and passed.

I move that the bill be recommitted to the committee which reported it, and if the Senate wants to have it debated further Senators can vote against the motion.

Mr. HEYBURN. I should like to inquire if a motion to recommit is debatable?

Mr. SPOONER. It is always in order.

Mr. HEYBURN. That is a very neat way at this late hour of the session of killing the bill. Why should it be recommitted? Is the committee's report improper? Does it not report a bill that is worthy at least of consideration? The Senator, so far as I can see, has failed to point out any specific objection to the bill, except that he objects to it. Why should a bill be recommitted to the committee that reported it upon a general objection to it?

I understand that bills are only recommitted where the report does not fully cover the question presented by the original bill referred to the committee by the Senate. Wherein does this report fall in that regard? I find that I am compelled myself to take up time in order that on a vote the Senate may not recommit the bill. I regret that Senators are not in their seats in order that I might feel justified in letting each Senator place himself on record in this matter.

Mr. PLATT of Connecticut. The Senator is very much disturbed about his having to talk out the time from now to 6 o'clock. If he will allow me a moment of that time I will relieve him to that extent.

Mr. HEYBURN. I shall be very much pleased to do so, unless the Senator is going to ask for an adjournment.

Mr. PLATT of Connecticut. Not at all. Mr. President, does the Senator from Idaho yield?

Mr. HEYBURN. I yield temporarily to the Senator.

Mr. PLATT of Connecticut. Mr. President, I did not like the assertion of the Senator from Idaho that he was going to do his duty with regard to this bill by asking for a vote, and that the Senate, by inference, at least, was not going to do its duty unless it agreed right now—between now and 6 o'clock—to vote on this bill. I do not think that was fair or just to the Senate.

Mr. HEYBURN. If the Senator will permit an interruption, I am impressed with the idea that if the Senate recommits the bill to the committee it puts the responsibility for the failure of the legislation upon the committee by the implied reflection that the committee has not performed its duty or has performed it imperfectly. I do not want that responsibility to rest with the committee, which sat for weeks and considered this matter carefully and made a report that is certainly entitled to the consideration of the Senate. Let the Senate vote this bill down, if it does not want to enact it, but do not send it back to the committee with an implied reproach upon the committee for not having performed its duty.

Mr. SPOONER. I should like to say—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. PLATT of Connecticut. If I have the floor I yield to the Senator from Wisconsin, although I should like to say a word or two myself.

Mr. SPOONER. I merely wanted to say to my friend the Senator from Idaho that my motion was not intended to imply in the slightest degree any reflection upon the committee, its

fidelity to the bill, or its sincerity in presenting it and advocating it. It was only made because it is impossible at this stage of the session to vote upon it on its merits and to amend it as many Senators, I think, feel it should be amended. That is all.

Mr. HEYBURN. Does the Senator think that is a reason for recommitting it?

Mr. SPOONER. I withdraw the motion to recommit, and move to lay the bill on the table.

Mr. HEYBURN. I should like a vote on that question.

Mr. SPOONER. All right.

The PRESIDING OFFICER. A motion to table is not debatable.

Mr. PLATT of Connecticut. Mr. President, I do not know exactly how the Senator from Wisconsin can make that motion when I had yielded to him for an interrogatory, as I supposed.

The PRESIDING OFFICER. Therefore the motion of the Senator from Wisconsin was not in order at that time, because the Senator from Connecticut did not yield to him for that purpose.

Mr. SPOONER. I ask leave to withdraw the motion, which I had no right to make.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. PLATT of Connecticut. Mr. President, I wish to say one serious word about this bill.

The whole country, I think, is interested in the question of preventing the adulteration of foods and drugs. I am as much interested in it as the Senator from Idaho or any other Senator or the committee which he represents or the distinguished, if somewhat persistent, gentleman in the Agricultural Department, Doctor Wiley. But, Mr. President, that is no reason why we should pass an imperfect bill or an ill-considered bill, and in saying that I make no reflection on the committee. But I do not believe there are twenty Senators out of the whole number of Senators here who believe that this is such a bill as ought to be passed, and for one I am not going to pass a bill in a hurry because there is some clamor somewhere that the subject must be attended to. The old adage about marrying in haste and repenting at leisure might well be applied to legislation—legislate in haste and repent at leisure.

We have had no reason given, Mr. President, showing the necessity of a national bill except one, as I remember the debate, and that is that the State laws have penal clauses in them for the punishment of the retailer who innocently sells adulterated foods and drugs, but those enactments are not enforced in the States; and it is supposed that if we can get a bill passed by the National Legislature making it a criminal offense for any retailer in the country, without knowledge and without intention, to sell any misbranded or adulterated article, and that he shall be prosecuted and punished by a fine of two or three hundred dollars, the law will be enforced by national authority and the innocent retailer of misbranded or adulterated goods will be punished.

I can not vote for a bill of that sort. I do not think the committee ought to bring any such bill here. I think it is contrary to the spirit of our laws, to the spirit of justice, to the spirit of fair play to prosecute and convict any man for violating police regulations and bills of this sort when he is entirely innocent of any intent to violate them.

That is my principal objection to this bill, and I do not believe that that is understood throughout the country. I do not believe that the people who are clamoring for the passage of this bill understand that it makes it a criminal offense for any retail dealer in the United States, in a little grocery store or a little drug store, to sell food or drugs which have been misbranded when he does not know it. I think the moment that is understood throughout the country or the moment such a law was passed and it was attempted to enforce it there would be a revolution of sentiment in this country.

RECESS.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the Senate will take a recess until 8 o'clock this evening.

Thereupon (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

SUNDY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the regular order of business may be informally laid aside in order that I may call up the sundry civil appropriation bill.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Iowa asks unanimous consent that the unfinished business may be temporarily laid aside and that the sundry

civil appropriation bill, House bill 18969, may be now considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the formal reading of the bill may be dispensed with, and that the amendments of the committee may be considered as the bill is read and before other amendments are presented.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. ALLISON. I yield to the Senator from New Hampshire, who wishes to bring a brief bill before the Senate.

SPECIAL ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 18975) to authorize the levying of certain special assessments, to report it favorably without amendment, and, as it is very brief, I will ask unanimous consent for its consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the bill (S. 7180) to authorize the levying of certain special assessments, which is identical in terms with the bill just passed, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming to present a conference report?

Mr. ALLISON. I yield to the Senator from Wyoming.

SHOSHONE OR WIND RIVER RESERVATION.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Reservation in Wyoming, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate with an amendment, and with which amendment agrees to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

Page 11, line 6, after "Interior," insert: "And provided, That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from the date of the approval of the surveys of said land a preferential right to locate, following the Government surveys, not to exceed six hundred and forty acres in the form of a square, of mineral or coal lands in said reservation; that said Boysen, at the time of entry of such land, shall pay cash therefor at the rate of ten dollars per acre and surrender said lease, and the same shall be canceled;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same, as follows: Page 12, line 7, strike out all after "reserve," down to and including "allotments," line 18; and the Senate agree to the same.

C. D. CLARK,
CHESTER I. LONG,
W. A. CLARK,

Managers on the part of the Senate.

THOMAS F. MARSHALL,
JOHN F. LACEY,
JOHN H. STEPHENS,

Managers on the part of the House.

The report was agreed to.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Wyoming?

Mr. ALLISON. I do. I think I will yield for a few moments to Senators who have short bills, when they are not objectionable.

YING HSING WEN AND TING CHIA CHEN.

Mr. WARREN. I report back from the Committee on Military Affairs without amendment the joint resolution (H. J. Res. 222) permitting Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point, and I ask for its present consideration.

The Secretary read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. CULBERSON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. WARREN. I ask the Senator from Texas to withdraw his objection for a moment.

Mr. CULBERSON. I object, Mr. President, to present consideration.

The PRESIDING OFFICER. Objection is made. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the House to the bill (S. 202) granting a pension to Harriet E. Penrose.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17984) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

S. 2697. An act to amend an act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

S. 5768. An act to provide for an additional judge of the district court of the United States for the district of New Jersey;

S. 6232. An act to provide for circuit and district courts of the United States at Selma and Tuscaloosa, Ala.;

S. 6522. An act to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands;

S. 6757. An act to amend section 2288 of the Revised Statutes of the United States;

S. 7049. An act providing for an additional circuit judge in the seventh judicial circuit, and for the appointment of an additional judge for the northern district of Illinois, and for creating an additional district in the State of Illinois, to be known as the "eastern district of Illinois," and for the appointment of a judge and other officers of said district, and for changing the boundaries of the districts in Illinois, and for establishing places for holding court in the several districts thus created;

S. 7164. An act permitting the building of a railway bridge across White River joining the township of Harrison, in Knox County, State of Indiana, and township of Washington, in Pike County, State of Indiana;

H. R. 6487. An act to amend section 4952 of the Revised Statutes;

H. R. 6821. An act to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger;

H. R. 8810. An act granting an increase of pension to Benjamin Shaffer;

H. R. 9367. An act granting a pension to James T. Collier;

H. R. 9772. An act granting an increase of pension to Zachary T. Miller;

H. R. 10089. An act for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.;

H. R. 12674. An act granting a pension to Sarah Carden;

H. R. 12705. An act granting an increase of pension to Moss C. Davis;

H. R. 13094. An act for the relief of street-car motormen;

H. R. 13888. An act granting a pension to Elizabeth Augusta Russell;

H. R. 14423. An act for the extension of T street, and for other purposes;

H. R. 14467. An act to amend chapter 508 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.;"

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C.;

H. R. 15440. An act authorizing the construction of a dam across the Rock River at Lyndon, Ill.;

H. R. 15629. An act granting a pension to Walter Elkan, alias Walter Eckhardt;

H. R. 15970. An act to amend section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902;

H. R. 16187. An act for the extension of Nineteenth street from Woodley road to Baltimore street;

H. R. 16818. An act granting an increase of pension to Levi Fleming;

H. R. 16914. An act to provide for the investigation of leprosy, with special reference to the care and treatment of lepers in Hawaii;

H. R. 16917. An act to provide for condemning the land necessary for joining Kalorama avenue and Prescott place;

H. R. 16989. An act to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended;

H. R. 17109. An act to define the limits of square 1131 in the city of Washington, D. C.;

H. R. 17330. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 17632. An act granting a pension to James H. Thomas;

H. R. 17984. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 18019. An act granting an increase of pension to Hannah E. Codington;

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 18196. An act to amend section 4405 of the Revised Statutes of the United States;

H. R. 18201. An act to amend sections 4418, 4480, and 4483 of the Revised Statutes, and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, all relating to the Steamboat-Inspection Service;

H. R. 18468. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906;

H. R. 18589. An act to amend an act entitled "An act to establish a code of law for the District of Columbia;"

H. R. 18725. An act supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia, and the acts amendatory thereof;

H. R. 18881. An act for the extension of Rittenhouse street, and for other purposes;

H. R. 18902. An act to authorize Everett Leftwich, of Williamson, W. Va., to bridge the Tug Fork of the Big Sandy River at Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 18965. An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes;

H. R. 19140. An act to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.; and

H. J. Res. 208. Joint resolution to authorize the President of the United States to convey to the foreign governments participating in the Louisiana Purchase Exposition the grateful appreciation of the Government and the people of the United States.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 19026) permitting the building of a dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn. The bill was reported favorably this morning from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. J. CALL.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 18688) authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SPOONER. I should like to have the bill delayed for a moment. I wish to offer an amendment to it—a substitute for it.

Mr. PERKINS. I hope the Senator from Wisconsin will not embarrass this bill by an amendment. It is a most meritorious case. This man distinguished himself by going to the relief of imperiled whalers in the Arctic Ocean. Congress voted him a gold medal unanimously, and it is a most meritorious case. An amendment means the defeat of the bill.

Mr. SPOONER. I have not the slightest objection to the bill; I think it is a meritorious case; but there are two or three other meritorious cases of the same kind. The Secretary of the Treasury recommends this gentleman and declines to recommend one or two others equally worthy.

Mr. PERKINS. I will vote for the Senator's bill when it is brought up.

Mr. SPOONER. I want to move an amendment to the bill when it comes up.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

RECOVERY OF PORTO RICAN DUTIES.

Mr. FORAKER. I am directed by the Committee on Pacific Islands and Porto Rico to report back favorably without amendment the bill (H. R. 17102) to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASHLEY RIVER BRIDGES IN SOUTH CAROLINA.

Mr. LATIMER. I desire to call up the bill (H. R. 18906) authorizing the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHIPPEWA INDIAN LANDS.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 15586) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on lands in the State of Minnesota ceded under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to report it favorably without amendment. I call the attention of the Senator from Minnesota [Mr. CLAPP] to the bill.

Mr. CLAPP. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist on its amendments and accede to the request of the House for a conference. The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY were appointed.

Mr. ALLISON. I yield to the Senator from Maryland [Mr. GORMAN], and then I shall call for the regular order.

COL. JOHN V. FUREY.

Mr. GORMAN. I ask for the present consideration of the bill (H. R. 14522) directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, assistant quartermaster.

master-general, United States Army, in favor of John Wana-maker.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. The regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department" on page 2, after line 14, to insert:

Baltimore, Md., custom-house: To enable the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, the properties known as the "Peabody and Gunton properties," immediately adjacent to the site of said custom-house building, as provided in the act of April 28, 1904, \$15,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 20, to insert:

Detroit, Mich., post-office and court-house: For additional amount for repairs and improvements to enlarge the accommodations of the post-office room in the post-office and court-house building at Detroit, Mich., \$10,000.

The amendment was agreed to.

The next amendment was, on page 7, line 26, after the clause, "Jacksonville, Fla., post-office, custom-house, etc.: For completion of extension under present limit, \$100,000," to insert:

And the sum of \$10,000 appropriated by the deficiency act approved February 18, 1904, for rental of temporary quarters and expenses incident thereto, is hereby made available for use in the construction of said building.

Mr. ALLISON. I move to insert the following after the word "building," the last word of the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 8, after line 4, add:

And an additional sum of \$5,000 is hereby appropriated for the same purpose.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 10, after line 9, to insert:

Nevada, Mo., post-office: The Secretary of the Treasury is hereby authorized, in his discretion, to exchange the property heretofore acquired for a site for the Federal building in the city of Nevada, Mo., under the provisions of an act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, for another site more centrally located in said city: *Provided*, That the same can be acquired without additional cost to the United States.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the clause appropriating \$300,000 for the Providence, R. I., post-office, court-house, and custom-house, to insert:

And the Secretary of the Treasury, in his discretion, is authorized to sell to the city of Providence, R. I., the whole or such portion of the lot of land and the building thereon belonging to the United States, situated on South Main street in said city, as shall be required for the widening of said street: *Provided*, That after investigation he shall find that such sale is not adverse to the interest of the United States.

The amendment was agreed to.

The next amendment was, on page 13, after line 5, to insert:

San Francisco, Cal., appraisers' stores (new): To fit up offices for customs officials during construction of new custom-house building, and incidental expenses, \$12,000.

The amendment was agreed to.

The next amendment was, on page 14, line 26, after the clause appropriating \$30,000 for the completion of the Yankton, S. Dak., post-office, to insert:

And to protect the foundations and provide storage and distribution of storm water, and proper filtering apparatus for same, made necessary because of the peculiar characteristics of the water supply for said building, \$6,000; in all, \$36,000.

The amendment was agreed to.

The next amendment was, on page 15, line 23, to increase the appropriation for the acquisition of square 324, Washington, D. C., as a site for an addition to the Post-Office building, from \$400,000 to \$450,800.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine stations," on page 18, after line 10, to insert:

Reedy Island, Delaware River, quarantine station: For isolation hospital, laundry machinery, storehouse, and improvements, \$11,600.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to insert: Delaware breakwater quarantine station: For fence, cistern, and completing barracks, \$8,900.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 23, line 3, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury be, and he is hereby, authorized to assign any officer or officers on the retired list of the Revenue-Cutter Service to any duty that they may be competent to perform, to take effect immediately.

Mr. PATTERSON. Do I understand that these amendments as they are read are considered as being adopted?

The PRESIDING OFFICER. That is correct.

Mr. ALLISON. If they are not objected to, as the amendments are read, they are read for adoption.

Mr. PATTERSON. I should like to have the proviso just read, beginning in line 3, on page 23, passed over for the present.

Mr. ALLISON. Does the Senator desire to have the amendment passed over?

Mr. PATTERSON. Yes; let it be passed over.

Mr. ALLISON. Very well, let that amendment be considered as passed over, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment referred to by the Senator from Colorado will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, after line 7, to insert:

The President in his discretion may temporarily detail any vessel or vessels of the Navy and the Revenue-Cutter Service to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretaries of the Navy and Treasury and approved by the President.

Mr. GORMAN. I should like to call the attention of the Senator from Iowa, the chairman of the committee, to that amendment, providing that regulations governing the detail of vessels of the Navy and of the Revenue-Cutter Service to remove or destroy derelicts in the course of vessels at sea shall be prescribed by the Secretary of the Navy and the Secretary of the Treasury and approved by the President.

Mr. ALLISON. That is only a portion of an amendment that was reported by the Committee on Commerce and referred to the Committee on Appropriations. We only took a part of it.

Mr. GORMAN. But I call the attention of the Senator to this amendment because the service is a very important one. I ask whether it will not cause delay in requiring that the regulations shall be prescribed by the Secretaries of the Navy and the Treasury and then approved by the President?

Mr. ALLISON. The Senator will see that this provision authorizes, in the discretion of the President, the detail of vessels of the Navy and of the Revenue-Cutter Service to perform a certain specified duty. While they are engaged in the performance of that duty they are subject to such regulations as may be jointly prescribed by the Secretary of the Treasury and the Secretary of the Navy. I suppose, as that particular provision came from the Committee on Commerce, there was some good reason why the Secretaries should act conjointly; and I can see very well why they should so act in selecting such vessels, they being only temporarily engaged in a particular and special service.

The PRESIDING OFFICER. The question is on the amendment of the committee which has been stated.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 23, after line 13, to insert:

Toward the construction of a steam revenue cutter of the first class for service in the waters of Albemarle and Pamlico sounds and Neuse River, North Carolina, authorized by an act approved January 12, 1905, \$100,000; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction at a cost not to exceed \$175,000, the limit fixed by said act.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to insert:

For the construction, under the direction of the Secretary of the Treasury, of a revenue cutter for service in the harbor of San Francisco, Cal., \$50,000.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 27, after line 13, to insert:

The Commissioners of the District of Columbia are hereby tendered, for the use hereinafter specified, the structural steel and other essential portions of the building lately occupied by the United States Government exhibit at the Louisiana Purchase Exposition at St. Louis, and if said tender is accepted within ninety days from the date of the approval of this act and the Secretary of the Treasury is notified thereof, then all right, title, and interest in said material is hereby vested in said Commissioners of the District of Columbia to be by them used directly or indirectly through any corporate organization that may be created for the purpose of constructing a public building of such size and strength as will permit the use of said material substantially in

the form in which it was used at the Louisiana Purchase Exposition; said tender to be made upon the further condition that the tearing down of said Government building and the transportation of the material to Washington, D. C., shall involve no expense to the United States. If said tender is accepted as aforesaid permission is hereby granted to store said material on some unimproved public reservation in the city of Washington, D. C., to be selected by the officer in charge of public buildings and grounds with the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Interstate Commerce Commission," on page 29, line 17, after the word "to," to strike out "properly carry out the objects" and insert "give effect to the provisions;" and in line 20, before the word "thousand," to strike out "forty-nine" and insert "fifty-nine;" so as to make the clause read:

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the act to regulate commerce, and all acts and amendments supplementary thereto, \$259,000; of which sum not exceeding \$25,000 may be expended in the employment of counsel, and not exceeding \$1,500 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding \$1,500 may be expended for printing other than that done at the Government Printing Office.

The amendment was agreed to.

The next amendment was, on page 30, line 1, to increase the total appropriation for the office of the Interstate Commerce Commission from \$290,000 to \$300,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous Objects, Treasury Department," on page 34, to increase the appropriation for the pay of custodians and janitors from \$1,300,000 to \$1,330,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

Alaska fund: That the moneys described as the "Alaska fund," in section 1 of "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, be, and the same are hereby, appropriated out of the Treasury of the United States for the uses and purposes in said act mentioned.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," on page 40, line 7, after the word "dollars," to insert:

For the installation of water-purification plant, including the necessary building, tanks, pumping apparatus, and other appurtenances, \$12,000; in all, \$262,000.

And in line 11, after the word "which," to strike out "sum" and insert "sums;" so as to make the clause read:

Ellis Island, New York, immigrant station: For the construction of a contagious-disease hospital upon the proposed new island, including additional power plant and appurtenances, \$250,000; for the installation of water-purification plant, including the necessary building, tanks, pumping apparatus, and other appurtenances, \$12,000; in all, \$262,000, which sums shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert:

San Francisco, Cal., immigrant station: Toward the construction of a main building and other necessary buildings for an immigration detention station on Angel Island in the harbor of San Francisco, and furnishing the same, including wharf landings, improvement of grounds, and other necessary objects as set forth in House Document No. 166 of the present session, \$100,000, which sum shall be paid from the permanent appropriation for expenses of regulating immigration, and the total cost of said station complete, under a contract or contracts therefor which are hereby authorized to be entered into by the Secretary of Commerce and Labor, shall not exceed \$200,000.

The amendment was agreed to.

The next amendment was, under the subhead "Light-houses, beacons, and fog signals," on page 41, after line 6, to insert:

Isle au Haut Harbor light and fog-signal station, Maine: For establishing a light and fog signal at or near Isle au Haut Harbor, Isle au Haut, Me., \$14,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

Tender for inspector, third light-house district: Toward constructing, equipping, and outfitting, complete for service, a new light-house and buoy tender, for buoyage, supply, and inspection in the third light-house district, \$50,000, and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed \$135,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 3, to insert:

Delaware Bay and River, namely: For establishing light-house and fog signal on Goose Island Flats, \$85,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:

Diamond Shoal light station, North Carolina: For furnishing the lens and equipment under the provisions of an act to provide for the construction of a light-house and fog signal at said station when, in the opinion of the Secretary of Commerce and Labor, said structure shall be sufficiently completed to permit of their installation, \$30,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 12, to insert:

Rock of Ages, Michigan, light and fog-signal station: For making a survey and examination of the site, detailed plans and estimates, and beginning the work of construction of a light and fog-signal station

on the Rock of Ages, off the western end of Isle Royale, Lake Superior, Michigan, \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Light-House Establishment," on page 45, line 14, to increase the appropriations for salaries of keepers of light-houses from \$815,000 to \$850,000.

The amendment was agreed to.

The next amendment was, on page 45, line 22, to increase the appropriation for expenses of light-vessels from \$525,000 to \$560,000.

The amendment was agreed to.

The next amendment was, on page 46, line 8, after the word "signals," to insert "including submarine signals;" and in line 15, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

Expenses of fog signals: For establishing, replacing, duplicating, and improving fog signals, including submarine signals and buildings connected therewith, and for repairs, the purchase of land for sites for fog signals, and for all other necessary incidental expenses of the same, including the pay of officers and crews of light-house tenders, and of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots, \$210,000.

The amendment was agreed to.

The next amendment was, on page 47, line 9, after the name "Lake Superior," to insert "in Alaskan waters, not to exceed \$10,000;" and in line 14, before the word "thousand," to insert "and ten;" so as to make the clause read:

Lighting of rivers: For the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors; and for establishing, supplying, and maintaining post lights on the Hudson and East rivers, New York; the Raritan River, New Jersey; Connecticut River, Thames River, between Norwich and New London, Conn.; the Delaware River, between Philadelphia, Pa., and Bordentown, N. J.; the Elk River, Maryland; York River, James River, Virginia; Cape Fear River, North Carolina; Savannah River, Georgia; St. Johns and Indian rivers, Florida; at Chicott Pass, and to mark navigable channel along Grand Lake, Louisiana; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha rivers; Sacramento and San Joaquin rivers, California; on the Columbia and Willamette rivers, Oregon; on Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in St. Louis and Superior bays, at the head of Lake Superior; in Alaskan waters, not to exceed \$10,000; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, \$310,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 67, after line 3, to insert:

Steamer Curlew: Pilot, \$1,100; engineer, \$1,100; fireman, \$720; cook, \$600; in all, \$3,520.

The amendment was agreed to.

The next amendment was, on page 69, after line 18, to insert:

Fish hatcheries, Alaska: For the establishment of one or more hatcheries in Alaska for the propagation of salmon and other food fishes, at points to be selected by the Secretary of Commerce and Labor, including the purchase of sites, construction of necessary buildings and ponds, purchase and hire of boats, equipment, and such temporary help as may be required for construction and operation of the hatcheries, to be immediately available, \$50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor," on page 70, line 20, after the word "fuel," to strike out "and;" and in the same line, after the word "clothing," to insert "and other necessities of life;" so as to make the clause read:

To enable the Secretary of Commerce and Labor to furnish food, fuel, clothing, and other necessities of life to the native inhabitants on the islands of St. Paul and St. George, Alaska, \$19,500.

The amendment was agreed to.

The next amendment was, under the head "Department of the Interior," on page 71, after line 22, to insert:

For preservation and repair of steam-heating and electric-lighting plants and elevators, buildings, Department of the Interior, \$5,000.

The amendment was agreed to.

The next amendment was, at the top of page 72, to insert:

For the improvement of the heating of the old Post-Office building, \$24,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 7, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate provided for in the sundry civil act approved April 28, 1904, including not exceeding \$500 for the purchase of necessary technical and other books, \$580,000, to continue available until expended: *Provided*, That any clerk or other employee designated by the commissions on the Senate office building, the House office building, or the joint commission on the Capitol extension, respectively, and who may now be receiving a salary from the Government, shall be paid from the date of his appointment such compensation as may be fixed by the respective commissions, not to exceed \$1,000 per annum in any case.

The amendment was agreed to.

The next amendment was, on page 74, at the top of the page, after the clause:

Improving the Capitol grounds: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one

clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial stone pavement, walks, and roadways, \$25,000.

To insert:

And the sum of \$1,800 of the unexpended balance of the appropriation for the improvement of the Capitol grounds for the fiscal year 1904 is hereby made available for the purchase of fertilizer, seeds, trees, shrubberies, and plants, and labor and material incident thereto, for the improvement of the Capitol grounds during the fiscal year 1906.

The amendment was agreed to.

The next amendment was, under the subhead of "Surveying the public lands," on page 80, line 18, after the words "United States," to insert:

And from the amount hereby appropriated there shall be expended for surveys in the mining regions of Nevada situated south of the first standard parallel north of Mount Diablo base line the sum of \$40,000. The amendment was agreed to.

The next amendment was, on page 80, after line 22, to insert:

The Secretary of the Interior is hereby authorized and directed to cause to be made a resurvey of the following townships in the State of Wyoming: Townships 17, 18, 19, 20, 21, and 22 north, ranges 101, 102, 103, 104, 105, 106, 107, and 108 west of the sixth principal meridian; and townships 23 and 24 north, ranges 101 and 102 west of the sixth principal meridian; and township 24, ranges 103 and 104 west of the sixth principal meridian. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 84, line 6, after the word "phosphates," to insert "and the investigation of methods of extraction of the mineral values of the black sands of the Pacific slope;" and in line 12, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

For the preparation of the report of the mineral resources of the United States, including phosphates, and the investigation of methods of extraction of the mineral values of the black sands of the Pacific slope, which report shall be published in one octavo volume and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, \$75,000.

Mr. ALLISON. I move to amend the amendment by inserting after the word "dollars," in line 12, the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 85, line 4, after the word "completion," to insert "at St. Louis, Mo.;" so as to make the clause read:

For the continuation and completion at St. Louis, Mo., on or before July 1, 1906, of the analyzing and testing of the coals, lignites, and other fuel substances of the United States, in order to determine their fuel values, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, \$202,000.

The amendment was agreed to.

The next amendment was, on page 85, line 18, to increase the total appropriation for the Geological Survey from \$1,384,420 to \$1,409,470.

The amendment was agreed to.

The next amendment was, on page 88, after line 6, to insert:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for text-books and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 88, after line 16, to insert:

Reindeer for Alaska: For the support of reindeer stations in Alaska, and for the instruction of Alaskan natives in the care and management of the reindeer, \$20,000: *Provided*, That the Secretary of the Interior shall cause to be made a thorough investigation of the reindeer herds in Alaska, their management and uses, and make report thereof with recommendations to the next session of Congress, and the cost of such investigation shall be paid from this appropriation.

Mr. GORMAN. Is this item estimated for by the Department?

Mr. ALLISON. It is estimated for. This appropriation is estimated for by the Department every year and always. The reindeer appropriation is with us all the time.

Mr. GORMAN. What is the character of the investigation provided for?

Mr. ALLISON. I am not able to give the number of reindeer, but I am informed by a Senator who sits near me that they are increasing very rapidly, and I am glad to hear they are. I think this reindeer provision is an important one and should be retained. The reindeer are to be used not only for food, but for purposes of transportation. This is considered an important provision. I am sorry the Senator from Colorado [Mr. TELLER] is not present. He is very familiar with this whole

question, and regards it as very important, as does Sheldon Jackson, who has the direction of education in Alaska and also the direction of the purchase and maintenance of these herds of reindeer. I think the amendment ought to go in.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Appropriations. The amendment was agreed to.

The next amendment was, at the top of page 89 to insert:

Railroad map of the United States: To enable the Secretary of the Interior to cause to be made and completed, under the supervision of the Director of the United States Geological Survey, a railroad map of the United States, showing connecting lines in the Dominion of Canada and the Republic of Mexico, on the scale of approximately 16 miles to 1 inch, which shall show State and county boundary lines; all lines of railways, with their names or other designations; all important cities and railway stations along such lines; important streams, mountain ranges, the depths of navigable waters near seaports, and such other facts as may be pertinent to such a map, \$20,000.

The amendment was agreed to.

Mr. HEYBURN. I will inquire whether amendments to committee amendments are in order at this time? Or does the chairman of the committee desire that the reading of the bill shall first be concluded?

The PRESIDING OFFICER. Committee amendments are being first considered. After the committee amendments have been considered the Senator from Idaho will have ample time and ample opportunity to offer all the amendments he desires to submit.

Mr. HEYBURN. But I wish to offer an amendment to a committee amendment.

Mr. ALLISON. An amendment to a committee amendment is in order at this time.

The PRESIDING OFFICER. It is in order.

Mr. HEYBURN. I desire, on page 81, after line 17, to offer an amendment to the committee amendment.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment to the committee amendment, which will be stated.

Mr. ALLISON. I will hear the amendment to the amendment.

The SECRETARY. On page 81, after the word "entitled," in line 17, it is proposed to insert:

Provided, That the Secretary of the Interior is hereby authorized and directed to cause the system of public surveys to be extended to all public lands of the United States in the State of Idaho, suitable for agriculture and grazing, as rapidly as possible, and all rules and regulations of the Department of the Interior requiring petitions for settlers on said lands are hereby abrogated, and said surveys shall proceed without regard to whether said lands are settled upon or not, but preference in time shall be given to such lands as are actually settled upon when the same can be done without disturbing the orderly and systematic work of such survey; and the expense of such surveys shall be paid out of the moneys appropriated by this section for making surveys and resurveys of public lands.

Mr. HEYBURN. Mr. President—

Mr. ALLISON. I will hear the Senator from Idaho, but I reserve the point of order on the amendment.

Mr. HEYBURN. Mr. President, a few words in explanation of the amendment seem appropriate.

Idaho is very much behind the other public-land States and Territories in her system of public surveys, and the rule of the Department, which provides that surveys shall only be made upon the request of actual settlers, has resulted in so large an area of our public lands remaining unsurveyed, owing to the fact that the settler does not know, at the time he comes to the State in search of a home, where he may safely go with a view of getting title to his land.

I have had prepared a statement showing the condition of the surveys of public lands in the public-land States and Territories of the United States, which shows that in Idaho 55.1 per cent of the lands are unsurveyed.

This amendment provides only for the survey of agricultural and grazing lands in the State without waiting for them to be first settled upon, and then have the settler apply to and satisfy the Department that he has made a bona fide settlement and is ready to take title to his land. The result is that settlers will not under those conditions settle upon the unsurveyed lands.

In the State of Wyoming, for instance, there are only 4.1 per cent of the public lands of the State unsurveyed, while in Idaho, a neighboring State, practically of the same general character, 55.1 per cent of the lands are unsurveyed. In Colorado there are only 6.5 per cent of the lands unsurveyed as against 55 per cent in the State of Idaho. There is no other public-land State that is in the same disadvantageous position that is occupied by Idaho in that regard.

It will not add materially to the cost of the surveys or the absorption of the amount appropriated for the purpose of general surveys in the State. It will simply take Idaho out of the rule of the Department which limits the surveys to lands actually settled upon. There is not a sufficient inducement for settlers to go into a State where the lands are not surveyed, because

they have no assurance of being able to procure title to their homes within a reasonable time.

For that reason it is most desirable that Idaho be given an opportunity to overtake the other States having public lands, which in themselves are the principal inducement to settlement, and that Idaho be relieved from the restriction of surveys to cases where there is the request of actual settlers, and that out of this general appropriation the system of surveys may be extended to the public lands of the United States in that State, regardless of whether they are settled upon, in order that the people may be induced to settle in the State, knowing that when lands are surveyed they can speedily and readily obtain title thereto.

There is no material difference between the general character of the lands in Idaho and those in Wyoming or Colorado. They are all partly mountainous and partly consist of grazing land and agricultural land, and it is not fair to Idaho that a system should be adopted now which restricts the extension of the surveys in that State after the other great public-land States have been practically all surveyed.

I again call attention to the fact that in the great State of Colorado only 6.5 per cent remain unsurveyed. This is from the last report. In California only 7.4 per cent of the lands remain unsurveyed, as against 55 per cent in Idaho.

If this amendment is adopted the Secretary of the Interior may extend those surveys in Idaho without the restriction of waiting until the lands are settled upon. The great reclamation system is being introduced in Idaho on a large scale, and it is important that the lands should be surveyed without this restriction.

I sincerely trust that the Senator having charge of the bill will accept the amendment.

The PRESIDING OFFICER. The Chair does not think the Senator from Idaho is entitled to offer his amendment at this time.

Mr. HEYBURN. It is an amendment to an amendment.

The PRESIDING OFFICER. Anything may be attached as an amendment to an amendment. But the amendment to the amendment is an entirely different subject from the amendment itself.

Mr. HEYBURN. I should like to understand that, if I may be permitted.

The PRESIDING OFFICER. The amendment to the amendment provides for the survey of lands in Idaho. The amendment is in regard to lands in the State of Wyoming. The Chair suggests that the Senator withhold the amendment.

Mr. ALLISON. I desire at the proper time to make a point of order on the amendment. I will say to the Senator from Idaho that this part of the bill had been passed for the time being. I am perfectly willing to recur to this matter at a later time, in order that I may have an opportunity of making a point of order against the amendment.

Mr. HEYBURN. I ask permission to have printed in the RECORD, in connection with my remarks, this comparative statement of surveys.

Mr. ALLISON. To that I have no objection.

The PRESIDING OFFICER. Without objection, it will be printed in the RECORD.

The statement referred to is as follows:

List of States showing status of public-land surveys to June 30, 1903.

State or Territory.	Unreserved and unsurveyed.	Reserved.	Surveyed.	Land surface.	Water surface.	Total surface.	Land surface unsurveyed, each State.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Per cent.
Alabama	367,983,506	52,020	33,123,840	32,657,920	465,920	33,123,840	99.9
Alaska	35,312,783	20,174	130,174	368,103,680	15,541,760	383,645,440	48.5
Arizona	2,560	20,159,837	17,319,700	72,790,320	84,480	72,874,800	7.4
Arkansas	7,508,854	19,718,027	33,543,680	33,543,680	522,240	34,065,920	6.5
California	4,288,086	5,486,643	72,792,320	99,969,920	1,299,200	101,269,120	55.1
Colorado	160,070	19,259	56,573,431	66,348,160	192,000	66,540,160	5.1
Florida	29,409,495	1,394,031	34,893,311	35,072,640	2,677,120	37,749,760	5.1
Idaho			22,519,914	53,293,440	356,480	53,649,920	4.1
Illinois			35,842,590	35,842,560	1,504,000	37,346,560	4.1
Indiana			22,950,400	22,950,400	465,280	23,415,680	4.1
Indian Territory		19,658,880		19,658,880	279,680	19,938,560	4.1
Iowa			35,646,080	35,646,080	366,720	36,012,800	4.1
Kansas		987,875	51,894,845	52,382,720	248,320	52,631,040	4.1
Louisiana	65,018	1,468,434	27,521,908	29,055,360	2,705,280	31,760,640	3.2
Michigan		120,685	36,698,505	36,819,200	25,894,400	62,713,600	42.3
Minnesota	1,670,558	2,686,355	46,841,167	51,198,080	4,056,320	55,254,400	18.4
Mississippi			29,685,120	29,685,120	343,040	30,028,160	9.9
Missouri			43,795,840	43,795,840	451,840	44,247,680	9.6
Montana	39,641,337	17,384,134	36,568,129	98,593,600	525,440	99,119,040	1.1
Nebraska		606,611	48,530,669	49,137,280	482,560	49,619,840	56.8
Nevada	30,485,688	5,983,409	33,867,543	70,336,640	497,920	70,834,560	11.7
New Mexico	14,435,711	6,006,759	57,386,330	78,428,800	90,880	78,519,680	4.1
North Dakota	4,447,475	3,325,490	37,137,115	44,910,080	452,480	45,362,560	4.1
Ohio			26,062,720	26,062,720	2,394,420	28,457,140	9.6
Oklahoma		3,762,462	21,011,938	24,774,400	158,720	24,933,120	1.1
Oregon	5,923,067	12,801,800	42,552,573	61,277,440	698,880	61,976,320	56.8
South Dakota	382,601	12,722,374	36,101,425	49,206,400	444,800	49,651,200	11.7
Utah	29,843,553	6,187,645	16,510,242	52,541,440	1,812,480	54,353,920	4.1
Washington	5,021,007	11,863,205	25,890,668	42,746,880	2,420,480	45,167,360	4.1
Wisconsin		432,524	34,842,396	35,274,920	6,840,280	42,115,200	4.1
Wyoming	2,574,871	15,790,840	44,067,569	62,433,280	208,640	62,641,920	32.0
Total	579,153,680	169,284,043	1,061,102,157	1,809,539,880	74,481,880	1,884,021,760	

	Acres unsurveyed.	Appropriation ending June 30, 1903.	Per cent.
Alaska	367,983,506	\$5,000	2
Arizona	35,312,783	12,000	5
California	7,508,854	13,000	5
Idaho	29,409,495	32,000	13
Colorado	4,288,086	6,000	2
Minnesota	1,670,558	10,000	4
Montana	39,641,337	40,000	16
Nevada	30,485,688	10,000	4
New Mexico	14,435,711	8,000	3
North Dakota	4,447,475	15,000	6
Oregon	5,923,067	22,000	9
Utah	29,843,553	15,000	6
Washington	5,021,007	32,000	13
Wyoming	2,574,871	20,000	8
Total	578,545,931	240,000	

Unsurveyed acreage of Alaska 367,983,506
Total unsurveyed area of United States, exclusive of Alaska, of which 13.9 per cent is in Idaho and 1.2 per cent in Wyoming 210,562,425

The PRESIDING OFFICER. Does the Senator ask that the matter be passed over for the present?

Mr. ALLISON. Yes; it may be passed over for the present.

The PRESIDING OFFICER. It will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 92, line 16, after the word "expenses," to insert "including the purchase of a suitable ambulance and harness not to exceed \$700;" and in line 18, before the word "thousand," to strike out "nine" and insert "fifteen;" so as to make the clause read:

For subsistence, fuel and light, clothing, bedding, forage, transportation, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, including the purchase of a suitable ambulance and harness not to exceed \$700, \$15,000.

The amendment was agreed to.

The next amendment was, on page 92, line 19, to increase the appropriation for Freedmen's Hospital and Asylum from \$25,000 to \$31,000.

The amendment was agreed to.

The next amendment was, on page 93, line 1, after the word "authorized," to strike out:

Under such regulations as may be prescribed by him, to receive and care for pay patients at the Freedmen's Hospital, and is further authorized, in his discretion,

In line 7, after the word "to," to strike out "said hospital" and insert "the Freedmen's Hospital;" and in line 8, after the word "from," to strike out "either of these sources" and insert "this source;" so as to make the clause read:

The Secretary of the Interior is authorized to enter into contract with the Commissioners of the District of Columbia for the care and treatment of persons from the District of Columbia admitted to the Freedmen's Hospital; and any money that may be received, from this source, on and after July 1, 1905, shall be paid to the Secretary of the Interior, to be applied to the uses and purposes of the hospital.

Mr. ALLISON. In line 5 I move to strike out "Commissioners" and insert "board of charities."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 93, line 23, after the word "revenues," to insert "and said appropriation shall be available during the fiscal year 1906;" so as to make the clause read:

That the sum of \$50,000, appropriated by the sundry civil appropriation act approved March 3, 1903, and sums hereafter appropriated under authority conveyed in said act, for the construction of a new Freedmen's Hospital building and accessories shall be paid wholly from the Treasury of the United States, and any part of said sum or sums already expended from the revenues of the District of Columbia shall be reimbursed and credited to said revenues, and said appropriation shall be available during the fiscal year 1906.

The amendment was agreed to.

The next amendment was, on page 95, after line 23, to insert:

Augusta Arsenal, Augusta, Ga.: For additional machinery for use at said arsenal, \$50,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 21, to strike out:

For this amount to make salary of the chief clerk of the office of public buildings and grounds \$2,400 per annum; as heretofore provided, \$400.

The amendment was agreed to.

The next amendment was, on page 103, after line 24, to insert:

Improving Portland Harbor, Maine: Continuing improvement, \$100,000, and the Secretary of War is hereby authorized to modify the project for improvement adopted by the act of June 3, 1896, so as to continue the depth of 30 feet at mean low tide for the width of about 300 feet up Fore River as far as the Boston and Maine Railroad bridge, and to secure a channel of entrance to Back Cove of the same depth and width: *Provided*, That the total cost of work heretofore and herein authorized to be done shall not exceed the limit of cost fixed by the act of June 3, 1896.

The amendment was agreed to.

The next amendment was, on page 107, after the clause—

Improving Mississippi River from mouth of Ohio River to Minneapolis, Minn.: For continuing improvement, in completion of contract authorization, from the mouth of the Ohio River to the mouth of the Missouri River, \$650,000.

To insert:

And the Secretary of War is authorized to examine the materials furnished and the work and labor done since November 1, 1900, to May 22, 1901, in accordance with the method and system and under the plans of the United States engineer officers in charge to prevent the erosion of the banks at or near Sawyers Bend, in the harbor of St. Louis, so as to improve the channel and preserve the protection works at said point, and to ascertain the reasonable value of such materials, work, and labor so furnished and done, and to pay out of said sum herein authorized for so much of the same as was in the interest of navigation; not, however, to exceed the sum of \$15,679.84.

The amendment was agreed to.

The next amendment was, on page 113, line 23, before the word "dollars," to insert "five hundred thousand;" so as to make the clause read:

Military posts: For the construction and enlargement of buildings at such military posts as, in the judgment of the Secretary of War, may be necessary; for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, \$1,500,000; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specially provided.

The amendment was agreed to.

The next amendment was, on page 114, after line 11, to insert:

Sandy Hook, New Jersey: For the construction of a sea wall for the protection of the northern beach of the United States lands at Sandy Hook, New Jersey, \$40,000.

The amendment was agreed to.

The next amendment was, on page 116, after line 2, to insert:

Presidio Military Reservation, San Francisco, Cal.: For continuing the improvement of the grounds within the Presidio Military Reservation, at San Francisco, Cal., \$7,500.

The amendment was agreed to.

The next amendment was, on page 116, line 22, after the words "expenses of," to insert "two civilians;" and on page 117, line 4, before the word "thousand," to strike out "twenty-seven" and insert "thirty-one;" so as to make the clause read:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners, maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, completing the inclosing of Point Park; the purchase of small tracts of lands, the purchase of which has heretofore been authorized by law; in all, \$31,000.

The amendment was agreed to.

The next amendment was, on page 117, line 22, before the word "commissioners," to insert "three civilian;" so as to make the clause read:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, \$57,000.

The amendment was agreed to.

The next amendment was, on page 118, line 5, before the word "commissioners," to insert "three civilian;" and in the same line, after the word "commissioners," to insert "and the secretary and historian;" so as to make the clause read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners and the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; these and other necessary expenses, \$75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in the items for the expenses for the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., on page 128, after line 12, to insert:

For storage reservoir, \$7,200.

The amendment was agreed to.

The next amendment was, on page 128, line 20, to increase the total appropriation for the maintenance of the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from \$353,100 to \$360,300.

The amendment was agreed to.

The next amendment was, on page 129, under the subhead "At the Marion Branch, at Marion, Ind.," after line 22, to insert:

For conservatory, \$6,000.

The amendment was agreed to.

The next amendment was, on page 130, line 5, to increase the appropriation for the Marion Branch of the National Home for Disabled Volunteer Soldiers, at Marion, Ind., from \$309,775 to \$315,775.

The amendment was agreed to.

The next amendment was, in the item for the expenses for the Danville Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill., on page 130, after line 22, to strike out:

For refrigerating and cold-storage plant, \$25,000.

The amendment was agreed to.

The next amendment was, on page 131, line 3, in the appropriation for the Danville Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill., to reduce the total appropriation from \$352,000 to \$327,000.

The amendment was agreed to.

The next amendment was, under the subhead "At the Mountain Branch, at Johnson City, Tenn.," page 133, line 4, before the word "thousand," to strike out "twelve" and insert "fourteen;" in line 6, after the word "managers," to strike out "three thousand nine" and insert "four thousand five;" and in line 13, before the word "hundred," to strike out "sixty-two thousand three" and insert "sixty-four thousand nine;" so as to make the clause read:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; general treasurer, who shall not be a member of the Board of Managers, \$4,000; inspector-general, \$3,000; assistant general treasurer and assistant inspector-general, \$2,500; two assistant inspectors-general, at \$2,500 each; clerical services for the offices of the president and general treasurer, \$14,000; messenger service for president's office, \$144; clerical services for managers, \$4,500; agents, \$1,800; for traveling expenses of the Board of Man-

agers, their officers and employees, \$16,000; for outdoor relief, \$1,000; for rent, medical examinations, stationery, telegrams, and other incidental expenses, \$7,000; in all, \$64,944.

The amendment was agreed to.

The next amendment was, on page 133, line 14, in the appropriation for the Mountain Branch of the National Home for Disabled Volunteer Soldiers, at Johnson City, Tenn., to reduce the total appropriation from \$3,924,459 to \$3,915,259.

The amendment was agreed to.

The reading of the bill was continued to line 15 on page 141.

Mr. ALLISON. I move to strike out lines 14 and 15 on page 141.

Mr. GORMAN. What is the amendment?

The SECRETARY. It is proposed to strike out lines 14 and 15 on page 141, in the following words:

For fees of United States district attorney for the District of Columbia, \$23,800.

Mr. ALLISON. The Senator will remember that as this bill was reported to the House of Representatives by the Committee on Appropriations of that body they changed the entire method for paying the district attorneys and marshals, which provisions were ruled out on a point of order, and my own impression is that these two lines ought to have been ruled out at the same time.

I think they were a part of their plan. The fees of district attorneys are provided for by statute and are not necessary to be appropriated for. So I think these two lines should go out. If I am mistaken in that belief I shall ask that the clause be reinserted later.

Mr. GORMAN. I understand that the whole system of the pay of United States judges in the District as well was changed. Is not that also a part of the general scheme?

Mr. ALLISON. As I understand it the bill as it comes to us is the same as formerly, but the original House provision proposed to change entirely the plan of paying the district attorneys, clerks of court, etc. Those provisions were stricken out on a point of order in the House. I think these two lines ought to have gone with the rest of the provision, and therefore I move to strike them out.

Mr. GORMAN. The original House provision relating to the pay of judges of the court of appeals and the district attorney and marshals passed out of the bill except this one provision.

Mr. ALLISON. I think this provision is not at all necessary under existing law. Therefore I move to strike it out. If I am mistaken in that (and I have not had time to examine it carefully), of course the provision will be restored.

The PRESIDING OFFICER. The question is on agreeing to the amendment to strike out lines 14 and 15 on page 141.

The amendment was agreed to.

The reading of the bill was continued to line 19, page 142.

Mr. CULBERSON. I ask the Senator in charge of the bill if he will not accept an amendment, to insert after the word "reasonable" the words "and actual?" The Senator, of course, understands the purpose of this suggested amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 142, line 19, after the word "reasonable," insert "and actual;" so as to read:

Provided further, That no such person shall be employed during vacation; of reasonable and actual expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, etc.

Mr. ALLISON. I ask the Senator to withhold that suggestion for the time being, until we finish the reading of the bill.

Mr. CULBERSON. Very well.

The reading was continued.

The next amendment was, under the subhead "Reform school, District of Columbia," on page 150, line 17, to increase the appropriation for the support of inmates, including groceries, flour, feed, etc., from \$6,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 150, line 19, to increase the total appropriation for the reform school, District of Columbia, from \$23,552 to \$29,552.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 151, after line 20, to insert:

Building for Bureau of American Republics: To enable the Secretary of State to acquire by purchase a suitable site in the District of Columbia for a building for permanent quarters for the International Bureau of American Republics, \$40,000.

Mr. GORMAN. I ask that the amendment may go over. I should like to offer an amendment to the amendment. So let it go over for the present.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the present.

The next amendment was, on page 152, after line 18, to insert:

To pay William M. Malloy for services in compiling "Compilation of Treaties in Force, 1904," under resolution of the Senate of February 11, 1904, \$1,000.

The amendment was agreed to.

The next amendment was, on page 152, after line 22, to insert:

To pay George M. Buck for services and expenses in preparing the third edition of Senate Election Cases, under resolution of the Senate of July 10, 1902, \$750.

The amendment was agreed to.

The reading of the bill was continued to page 153, line 9, the last paragraph read being the following:

Botanic Garden: For painting, glazing, and general repairs to buildings, heating apparatus, and foot walks, and for further repairs to foundations and for renewing the water and gas pipes in bottom of Bartholdi fountain, under the direction of the Joint Committee on the Library, \$7,000.

Mr. McCREARY. I desire to ask the Senator in charge of the bill a question. I notice on page 153 of the bill there is an appropriation of \$7,000 for the Botanic Garden. I desire to know how much the Botanic Garden costs annually?

Mr. ALLISON. I did not quite hear the question of the Senator from Kentucky.

Mr. McCREARY. At the top of page 153 there is a paragraph relating to the Botanic Garden, appropriating \$7,000. I ask the Senator in charge of the bill what is the cost of maintaining the Botanic Garden each year now?

Mr. ALLISON. The total cost?

Mr. McCREARY. The total cost.

Mr. ALLISON. I do not have the exact figures, but I should say \$30,000, in round numbers.

Mr. McCREARY. I remember that when the legislative, executive, and judicial appropriation bill was under consideration we appropriated about \$20,000 for the Botanic Garden.

Mr. ALLISON. Twenty thousand dollars there and \$7,000 here would make \$27,000. I think that sum will probably cover the total expenditure.

Mr. McCREARY. There is at present a Division of Botanic Investigations and Experiments in the Department of Agriculture. What necessity is there for a Botanic Garden now that we have a Division of Botanic Investigations and Experiments?

Mr. ALLISON. That is a very pertinent inquiry and requires a rather general answer. This Botanic Garden is an ancient institution. It was founded in 1846, if I remember correctly, soon after Commodore Perry brought to this country some rare and valuable plants from Japan.

The garden was then founded for the propagation of rare and beautiful plants and flowers. It has continued since that time, I think, with the assent of Congress and under the control of Congress. I will say to the Senator that I am not a member of the committee which has charge of this garden; it is controlled by a joint committee of the two Houses, called the Joint Committee on the Library; but I suppose that it is a very useful institution.

Mr. McCREARY. I pass by the Botanic Garden daily, and I have desired information on this subject because I knew there was a Division of Botanic Investigations and Experiments in the Department of Agriculture.

Therefore I addressed a letter to Hon. William R. Smith, superintendent, and C. Leslie Reynolds, assistant superintendent of the Botanic Garden, asking them to please send me the last report or the last statement made concerning the Botanic Garden. I said to them, "I wish to know something about its efficiency and progress and the necessity for maintaining it." Although I sent that letter February 17, 1905, I have never received a response. It is the first letter I ever sent to an executive officer that I did not get a response to. On that account I was compelled to ask the chairman of the committee, who has this bill in charge, to give me some explanation about it.

Mr. ALLISON. Is it not possible that that letter never reached the superintendent of the Botanic Garden? There are so many Smiths in Washington and elsewhere that it is possible that the name may have been confounded in some way so that the letter went into some other hand.

Mr. McCREARY. I addressed my letter to the superintendent and also to the assistant superintendent.

Mr. ALLISON. I have just been told—

Mr. McCREARY. I have had the pleasure of knowing the superintendent for many years, and I have a very kind feeling for him.

Mr. ALLISON. I understand that Mr. Smith, the superintendent, is very ill.

Mr. McCOMAS. I will say to the Senator from Kentucky that both the superintendent and the assistant superintendent

happen to be quite sick. Superintendent Smith is an old man, and confined to bed at his home. The assistant superintendent met with an accident on a street car, and is now in bed. The chances are that they never received the Senator's letter.

Mr. McCREARY. That explains the reason why the letter was not answered.

Mr. STEWART. I should like to make one remark about the Botanic Garden and the superintendent. I think if it has cost \$30,000 a year it is money well spent. We are indebted to Mr. Smith for the beautiful trees here in this city.

Mr. SPOONER. Will the Senator make this colloquy just a little louder so that we may have the benefit of it?

Mr. STEWART. I say we are indebted to Mr. Smith for the beautiful trees that adorn our streets. He is an expert in making experiments with trees, and I do not think anybody in the United States has been as successful as he in planting and growing trees in the streets. Thirty-five years ago there were no ornamental trees here. All these are new trees here, collected by him. He is especially attending to that business, and that one branch of his garden alone is worth \$30,000 a year.

Mr. McCREARY. I have no desire to detract from the merit of William R. Smith. I have had the pleasure of knowing him for a good many years, and I am fond of him. The object of my question addressed to the Senator from Iowa was to obtain information about the Botanic Garden and to know why we should maintain a Botanic Garden and also the Division of Botanic Investigations and Experiments in the Department of Agriculture. But if it is believed that both are absolutely necessary, that the expense should be incurred, and that we need both, I have nothing further to say.

Mr. ALLISON. I think it is a matter worth investigating as to whether one or the other of these institutions could be dispensed with. I am sure they are both accomplishing a very useful purpose. They are both engaged in the propagation of beautiful trees and in their distribution. But I should not like to dispense with either of them without more thorough examination and investigation than we can give to the subject now.

Mr. McCREARY. It is not my purpose to offer any amendment or to propose to dispense with either. I called attention to it only in order that we might have some information, as I had failed to get the information which I tried to obtain through other channels.

Mr. GORMAN. Mr. President, I want to add one word in regard to Mr. Smith, who for so many years has had charge of the Botanic Garden. His services here were secured nearly fifty years ago, by the most cultivated men then in public life, long prior to the establishment or the thought of establishing the Agricultural Department, at a time when that section of the city was little better than a mud hole, with no cultivated taste for fine and beautiful shrubs and plants. The Government of the United States, through the Joint Committee on the Library, at the head of which was one of the most cultivated men in the United States, James Alfred Pearce, who then represented in part my State in the Senate, was fortunate in securing the services of Mr. Smith, who has been in fact the father of all the great improvements in the production of plants in this country. He is regarded by all who have cultivated tastes in that direction as the authority in the United States.

I venture to say there have been few owners of great hot-houses that have not consulted him as to the proper plants to cultivate. He brought rare and beautiful plants here from every quarter of the earth long before any other officer of the Government thought of it. He was the first to introduce and bring here plants and trees from Japan and China and from all over Europe; and when it came to the matter of improving and beautifying the city, he was at the head of the commission, as was well said by the distinguished Senator from Nevada [Mr. STEWART], to select a variety of trees and formulate the plan and plant them all over this city.

Mr. Smith has grown old in the service and he richly deserves all he has received. In the meantime the great Department of Agriculture was organized, which now embraces nearly every subject that can well be brought within one Department. They have more pretentious establishments and have made a greater and a finer display, yet after all, right at the foot of this Capitol, under the control of the two Houses of Congress, is this venerable old man, who has performed a great service economically and well for his country.

I think all who are brought in contact with him or have ever given a thought to the subject recognize that it has been a wise expenditure of money to maintain and develop the Botanic Garden. It is one of the cases where money ought not to be counted in considering the great work which Mr. Smith has done.

Mr. McCREARY. Mr. President, I had not intended to inter-

fere in any way with the salary allowed Mr. Smith, the superintendent of the Botanic Garden, and I indorse the eulogy that has just been passed upon him by the distinguished Senator from Maryland. When I turn to the appropriation bill that pays this distinguished public servant I find that this man, who for fifty years has done so much for the city of Washington, this public servant who has to do so much, is paid only \$1,800 per annum. From what I have heard of William R. Smith he deserves twice that amount. If he has done so much good for the city of Washington, if he has rendered so much valuable aid here as to have these distinguished Senators who have been here twenty and thirty years speak so well of him, he ought not to be in his old age compelled to live on \$1,800 per annum; he ought to have at least twice that amount.

The reading of the bill was continued. The next amendment was, under the head of "Public printing and binding," page 154, line 10, to increase the appropriation for the public printing, for the public binding, and for paper for the public printing, etc., from \$6,005,645.82 to \$6,045,245.82.

The amendment was agreed to.

The next amendment was, on page 155, after line 6, to insert:

For the War Department, for printing and binding 10,000 sets in English and 5,000 sets in Spanish of the Report of the Census of the Philippine Islands, 2,000 of the sets in English to be for use of the Senate and 4,000 of the sets in English to be for use of the House of Representatives, \$39,600.

The amendment was agreed to.

The next amendment was, on page 157, line 24, after the word "allotment," to insert the following proviso:

Provided further, That no part of the appropriations herein made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any Executive Department or other Government establishment until the head of the Executive Department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The first amendment passed over, which is on page 23, will now be stated.

The SECRETARY. The amendment passed over on page 23 was, in line 3, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury be, and he is hereby, authorized to assign any officer or officers on the retired list of the Revenue-Cutter Service to any duty that they may be competent to perform, to take effect immediately.

Mr. PATTERSON. Mr. President, I hope the chairman of the committee will see his way clear to omit this amendment. It is one which I think will do very grave injustice to a very worthy and very hard-worked class of public servants—that is, to the captains and first lieutenants of the Revenue-Cutter Service. The highest grades in that Service are captains, first lieutenants, and chief engineers, and the positions would be filled by retired officers who would perform the duties that would otherwise be performed by those on the active list. There is no dearth of the higher grade of officers in the Revenue-Cutter Service, as is testified to by the Secretary of the Treasury in his annual report for 1904, in which, after stating that "there are not enough officers of some grades to officer the vessels in accordance with existing law, or to efficiently conduct the vessels in active commission," he says:

Of the grades of captain, first lieutenant, and chief engineer, there are enough officers on the active list to meet all demands.

The Secretary then goes on to show the deficiency as to numbers in the grades of second and third lieutenants and cadets, and recommends an increase of the number in those particular grades of the Revenue-Cutter Service. But of the grades that are engaged in performing the duties that they should be performing, the duties to which the officers upon the retired list will be assigned, there are enough, and more than enough, for all the duties of the Service.

Under the system, Mr. President, by which a naval officer or a revenue officer is not retired until he is 64 years of age—and considering the service in which they are engaged it surely incapacitates the officer for active sea service—the result is that when retired officers are detailed to special service, for land service, it is also service in which those who are engaged in commanding vessels should at times be permitted to serve. It blocks advancement; it blocks or impedes preferment; it does not give men who are on the sea, who manage ships, who perform the duties of the service upon the sea highway the same opportunity for preferment that would be given if this provision were not in existence, and which they ought to have.

Mr. SPOONER. Will my friend from Colorado allow me to ask him a question for information?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. With pleasure.

Mr. SPOONER. Are retired army officers and retired naval officers subject to compulsory detail for duty on active service?

Mr. PATTERSON. I understand not.

Mr. SPOONER. I should like to ask the Senator from Iowa that question. As I understand, retired army officers and retired naval officers may be detailed to active service with their consent; but are they subject to compulsory detail?

Mr. ALLISON. I think not, except in time of war.

Mr. WARREN. That is right.

Mr. SPOONER. Then I should like to inquire of the Senator what value there is in the retirement of those revenue-cutter officers if they may be, without their consent, in time of peace, compulsorily assigned to active service, as is provided by this proviso?

Mr. ALLISON. I do not know that this service is compulsory.

Mr. SPOONER. Yes; but what value is there in retirement if there is no retirement about it except at the will of some superior?

Mr. WARREN. Mr. President, if I may be permitted, I will answer the inquiry.

Mr. SPOONER. I did not mean to disturb the Senator from Colorado, who is entitled to the floor.

Mr. PATTERSON. I shall be very glad to have the inquiry answered.

Mr. WARREN. I think there was no intention that an officer should be detailed to service against his will, but as the case was represented to the committee, in view of the present condition of the service, there are many officers who are glad to secure assignments to active service rather than remain on the retired list.

Mr. SPOONER. That is one thing. There might be no objection to retiring a man who desired it, but this is compulsory.

Mr. ALLISON. I am perfectly willing that there may be an amendment providing that, with their consent, these officers may so serve.

Mr. SPOONER. That is right.

Mr. ALLISON. I wish to say a word by way of explanation, if the Senator from Colorado [Mr. PATTERSON] will allow me.

Mr. PATTERSON. I shall be very glad to yield to the Senator for that purpose.

Mr. ALLISON. This provision is one which was sent to the Committee on Appropriations by the Committee on Commerce; and I will say to the Senator that it was rather urgently pressed upon the Committee on Appropriations as a necessary provision in the interest of the public service.

As sent to us, it provided for the assignment of these officers, and also that they should be assigned with the full pay of their rank. We left that provision out of the amendment, although I am not quite sure that they would not receive the full pay of their rank under that amendment as it stands.

I am surprised, I will say to the Senator, that the Secretary of the Treasury in his report has stated that there is no difficulty in securing the higher grades of officers to command the revenue cutters, but that the difficulty is in the lower grades. It was represented to the Committee on Appropriations that there was great difficulty in securing officers to command these vessels, and therefore it was necessary to authorize the Secretary of the Treasury to assign to this duty officers now on the retired list.

I will say to the Senator that for myself I was opposed at the time it was done to placing these revenue-cutter officers on the retired list, on the claim of the Navy that they do not incur the hazard which the naval officers do in the performance of their duties, but the reason given for the retirement of these officers was that it would afford an opportunity for younger men to come in and take the places of the older officers at the age of 64, or 62, I think it is, when it was supposed they would be unfit for active duty.

I wish to suggest to the Senator from Colorado that I think it will be impossible for us to complete this bill to-night, and out of regard for the chairman of the Committee on Commerce I suggest that the amendment be allowed to pass over until to-morrow.

Mr. PATTERSON. With pleasure.

Mr. CLAY. Will the Senator from Iowa allow me to offer a little amendment, which I think he will probably accept?

The PRESIDING OFFICER. The committee amendments have not all been disposed of. The Chair would inquire what is

the request of the Senator from Iowa in regard to the amendment which has been under consideration?

Mr. ALLISON. I ask that the amendment may be passed over for the present.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. ALLISON. There are one or two other committee amendments which were passed over.

The PRESIDING OFFICER. The amendment beginning in line 22, on page 80, and extending to the end of line 17, on page 81, was passed over. The Senator from Idaho [Mr. HEYBURN] offered an amendment to that amendment.

Mr. HEYBURN. Mr. President, I will offer the amendment as a separate paragraph. That makes it necessary to strike out the word "Provided," and let it read as it will remain when that word is stricken out. Then, in the last part of the amendment, after the word "by," strike out "this" and insert the words "the preceding;" so as to read "by the preceding section for making surveys and resurveys of public lands."

I should like to ask the chairman of the committee if there is not some way of fixing this so that Idaho may control the manner in which this money shall be expended?

Mr. ALLISON. I ask that the amendment as it has been modified may be stated.

The SECRETARY. On page 81, after line 17, it is proposed to insert the following:

That the Secretary of the Interior is hereby authorized and directed to cause the system of public surveys to be extended to all public lands of the United States in the State of Idaho suitable for agriculture and grazing as rapidly as possible, and all rules and regulations of the Department of the Interior requiring petitions from settlers on said lands are hereby abrogated, and said surveys shall proceed without regard to whether said lands are settled upon or not; but preference in time shall be given to such lands as are actually settled upon when the same can be done without disturbing the orderly and systematic work of such surveys; and the expense of such surveys shall be paid out of the moneys appropriated by the preceding section for making surveys and resurveys of public lands.

Mr. HEYBURN. Mr. President, I can explain the amendment in a moment, if the Senator from Iowa will allow me.

We are not asking for a larger appropriation; we are not asking for a larger portion of the general appropriation that would be apportioned among the States; we are simply asking to be released from the restrictions now imposed under the rule of the amendment just adopted preceding this. These restrictions have been released as to Wyoming; and if it is wise to relieve Wyoming of these restrictions, it is also wise to relieve Idaho from them.

Mr. CLARK of Wyoming. I do not think the Senator is entirely accurate in that statement.

Mr. HEYBURN. There is a provision for the release of the restrictions in the preceding section which relates to the resurvey of lands in Wyoming, and this amendment simply allows the voice of Idaho to be heard in determining how her share of the money shall be used in the interest of that State.

Mr. CLARK of Wyoming. I call the attention of the Senator to the fact that the two cases are not identical. While I am thoroughly in sympathy with the Senator in his view, I repeat that the cases are not identical.

Mr. HEYBURN. I would again call the attention of the chairman of the committee to the fact that this is simply the wish of Idaho, speaking through those who have given some intelligent attention to this subject, as to how Idaho's proportion of the money shall be expended for the best interests of that State, which is so far behind every other State in public surveys. Fifty-five per cent of her land is unsurveyed, as against 7 per cent in Wyoming, 6 per cent in Colorado, 7 per cent in California, and 12 per cent in Washington. We simply want an opportunity to catch up to our neighbors in growth and settlement.

Mr. ALLISON. I am in sympathy with the desire of the Senator from Idaho. I shall be glad to see Idaho overtake the States of Wyoming and Colorado; but this appropriation of \$400,000 is not a large appropriation in view of the situation concerning the public lands of the country. I am told—I do not know how true it is—that this \$400,000 will hardly meet the wants of the settlers who have already settled on the public lands. I think the Senator's amendment is a good deal more than a wish or a desire, because if that is all it is the Senator from Idaho could express that wish and desire to the Secretary of the Interior, who, I have no doubt, would, as far as practicable, comply with that wish so far as Idaho is concerned.

Mr. HEYBURN. If the Senator will permit me, I would say that the Secretary of the Interior has not expended our apportionment of this money because of these restrictions.

We have an unexpended balance, when every dollar that was apportioned to us would have been expended but for these restrictions.

Mr. ALLISON. Then, Mr. President, I think that it would be difficult for us now to take up each and all of the States and express in this bill the wish and desire of those States as respects this \$400,000. As the amendment is general legislation, I make the point of order that it is not in order.

Mr. HEYBURN. The amendment does not increase the appropriation a dollar.

The PRESIDING OFFICER. The Chair sustains the point of order. The question is on the amendment of the committee. The amendment was agreed to.

Mr. CULBERSON. A moment ago I suggested to the chairman of the committee having this bill in charge an amendment to come in after the word "reasonable," on page 142, line 19. After a consultation with some Senators, I think it would be an improvement upon that suggestion to make the amendment which I now propose in its stead: After the word "expenses," on page 142, line 20, I suggest that the words "actually incurred" be inserted. I hope the Senator from Iowa will accept the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 142, line 20, after the word "expenses," it is proposed to insert the words "actually incurred;" so as to read:

Provided further, That no such person shall be employed during vacation; of reasonable expenses actually incurred for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. ALLISON. I do not object to that.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. DANIEL. I desire to offer an amendment on page 44.

The PRESIDING OFFICER. Will the Senator wait one moment until the other committee amendments are agreed to?

Mr. DANIEL. I thought the committee amendments had been agreed to.

The PRESIDING OFFICER. The next committee amendment which was passed over will be stated.

The SECRETARY. On page 151, at the bottom of the page, the committee propose to insert the following:

Building for Bureau of American Republics: To enable the Secretary of State to acquire by purchase a suitable site in the District of Columbia for a building for permanent quarters for the International Bureau of American Republics, \$40,000.

Mr. GORMAN. Mr. President, I desire to offer an amendment to the amendment. I send it to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 151, line 23, after the word "site," it is proposed to amend the committee amendment by inserting "on the south side of Pennsylvania avenue west of Third street west."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. In view of the amendment suggested by the Senator from Texas [Mr. CULBERSON] to the provision on page 142, line 20, I move to insert in line 24 of the same page, after the words "United States," the words "the reasonable," and after the word "appeals," in line 25, to insert "actually incurred;" so that it will read:

The reasonable expenses of judges of the circuit courts of appeals actually incurred, not to exceed \$10 per day.

Mr. CULBERSON. I would say to the Senator from Iowa that the suggestion in regard to the amendment proposed by me really came from the chairman of the Committee on the Judiciary. There ought to be in the provision with reference to the circuit judges something to show that their expenses were incurred when away from their homes.

Mr. ALLISON. That is the law now, but it may be necessary that such a provision be inserted here; and if so, I hope it will be.

Mr. PLATT of Connecticut. May I ask if this bill is to be concluded to-night?

Mr. ALLISON. I hardly think we shall be able to do so.

Mr. PLATT of Connecticut. Then why can not this matter be passed over until to-morrow morning?

Mr. ALLISON. I shall be very glad if it may be passed over. I think it is a subject with which we ought to deal with care.

Mr. PLATT of Connecticut. One word further. The circuit court of appeals act provided:

That any justice or judge who, in pursuance of the provisions of this act, shall attend the circuit court of appeals held at any place other than where he resides, shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance, not to exceed \$10 per day, and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

That is the same provision as the one in regard to the district judges; and yet when it comes to provide for the circuit judges the bill says:

Expenses of judges of the circuit courts of appeals, not to exceed \$10 per day.

It does not provide at all that it shall be while the judges are holding court away from their residences. I think the thing ought to be fixed up with a good deal of care. So if the bill is going over I should like to have this whole matter go over.

Mr. ALLISON. I am very glad that the Senator from Connecticut, the chairman of the Committee on the Judiciary, has called attention to this matter. My attention was called to it in connection with the amendment proposed by the Senator from Texas, and I can readily see that the amendment which I proposed will not fully meet the case.

Mr. PLATT of Connecticut. I should like to look at it overnight.

Mr. ALLISON. Then the amendment may be passed over.

The PRESIDING OFFICER. Does the Senator request that the amendment be passed over for the present?

Mr. ALLISON. It will be naturally passed over if we do not recur to it again.

The PRESIDING OFFICER. Are there further committee amendments?

Mr. ALLISON. I believe there is no further committee amendment.

Mr. CLAY. Mr. President, I desire to offer an amendment, to come in on page 106, after the word "dollars," in line 18.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 106, line 18, after the word "dollars," it is proposed to insert the following:

For the construction, complete, of a light-ship to be placed on the outer bar of Brunswick, Ga., \$90,000.

Mr. CLAY. Mr. President, I desire simply to have printed in the RECORD two letters, one from the Secretary of Commerce and Labor and another addressed to the Member of Congress representing the district in which Brunswick is situated. The letters favor this amendment, but I shall not ask to have them read.

Mr. ALLISON. Then I hope the Senator will allow the amendment to go over until we can see these letters in the RECORD in the morning.

Mr. CLAY. I will consent to that, Mr. President, most cheerfully.

The PRESIDING OFFICER. In the absence of objection, the letters will be printed in the RECORD. The Chair understands the amendment has already been printed.

Mr. CLAY. The amendment has already been printed. I simply want the letters printed in the RECORD.

The letters referred to are as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 16, 1904.

Hon. W. G. BRANTLEY, M. C.,
House of Representatives.

SIR: Your letter of 12th of February, stating the condition of Senate bill No. 462, to construct and place a light-ship off the outer bar of Brunswick, Ga., and asking the opinion of the Department relative thereto, was referred to the Light-House Board for its opinion.

In reply this Department has the honor to state that the Light-House Board, to whom the matter was referred, reports that in its opinion it is more important to the interests of commerce to establish a light-vessel off Brunswick, Ga., than it is to establish a light-vessel at any other place on our coasts which has not already been provided for by previous appropriations.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 25, 1905.

Hon. A. S. CLAY,
United States Senate, City.

MY DEAR SIR: If you will look at the CONGRESSIONAL RECORD of 24th instant, pages 3478 and 3479, you will find where Mr. MANN, on behalf of the Committee on Interstate and Foreign Commerce, offered an amendment to the sundry civil bill, which amendment went out on a point of order.

You will note further Mr. MANN's statement that he realized that the amendment was subject to a point of order, but that it, together with his statement, was offered for the purpose of informing the conference committee, or rather the conferees on the part of the House on the sundry civil bill, that the Committee on Interstate and Foreign Commerce had investigated thoroughly all matters affecting the Light-House Establishment and had incorporated in the amendment offered by him only those items that were essential.

The purpose, as stated by him and of which I beg to advise you, was to insure, if possible, the holding into the bill of the amendment offered by him, when it should have been added to the bill by the Senate, as he expected it to be. You will note in his amendment provision for a light-ship for Brunswick, carrying \$90,000. Mr. MANN, representing the Interstate and Foreign Commerce Committee of the House, has personally advised me to have you put an amendment onto the sundry civil bill for this light-ship, and his committee will do what they can to hold it in in conference.

I beg to ask, therefore, that you offer an amendment in the language as used by him, to wit:

"Amend by inserting as new items, following line 17, page 39, the following:

"Light-ship, Brunswick, Ga.: For the construction complete of a light-ship to be placed off the outer bar of Brunswick, Ga., \$90,000."

On Monday I will give you some data that I think will help you out in getting the amendment on. I call your attention now to these facts:

First. The Senate has already passed the bill.
Second. The Interstate and Foreign Commerce Committee of the House reported it favorably last spring and placed the bill on the Calendar. (The Speaker never allowed it to come up.)

Third. The Interstate and Foreign Commerce Committee of the House this week incorporated this item, together with others, in an omnibus bill and reported same to the House.

This item, therefore, has had the approval of the Senate and has twice had the approval of the committee in the House having charge of such matters. Absolutely the only chance, however, to get the legislation is by amendment to the sundry civil bill in the Senate. If this is done I do not know that I will be able to hold the amendment, but hope to be able to do so.

Thanking you for your interest and attention, I am,
Very truly, yours,

W. G. BRANTLEY.

Mr. DANIEL. On page 44, after line 2, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 2, on page 44, it is proposed to insert the following:

For establishing a lighted beacon at the mouth of Pungoteague Creek, Chesapeake Bay, Virginia, \$8,000.

Mr. DANIEL. Mr. President, a private light is now being maintained at this point, and some years ago a light was maintained there at public expense. The appropriation for a light at the mouth of this creek is recommended by the Secretary of Commerce and by the chief of the Light-House Board, as will be seen from the letter of the Secretary of the Treasury which I send to the desk and ask to have printed in the Record. I believe the chairman of the committee is familiar with this case, and I believe also that he will assent to the amendment.

The PRESIDING OFFICER. In the absence of objection, the letter referred to by the Senator from Virginia will be printed in the RECORD.

The letter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 17, 1903.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of Commerce and Labor, of the 14th instant, submitting an estimate of appropriations for the establishment of a lighted beacon at the mouth of Pungoteague Creek, Chesapeake Bay, Virginia, \$8,000.

Respectfully

L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, December 14, 1903.

SIR: This Department, at the instance of the Light-House Board, has the honor to recommend that an appropriation of \$8,000 be made for the establishment of a lighted beacon at the mouth of Pungoteague Creek, Chesapeake Bay, Virginia, or near the site occupied by a lighted beacon which was established on November 1, 1854, and was carried away on February 2, 1856, and which has not been replaced.

The reestablishment of this lighted beacon is recommended in a petition of many vessel men which was transmitted to this office by the superintendent of the Baltimore, Chesapeake and Atlantic Railway Company through the inspector of the fifth light-house district.

A private light is now maintained near the mouth of Pungoteague Creek by private persons.

It is the opinion of the Light-House Board, in which this Department concurs, that as a light is so much needed here that it is maintained at private expense, it is evident that the Government should establish and maintain such a light in the interests of general commerce.

Respectfully,

GEO. B. CORTELYOU, Secretary.

The honorable the SECRETARY OF THE TREASURY.

Mr. ALLISON. I will say that the committee examined this matter. It was estimated for. It is urged by the Light-House Board and recommended by the Secretary of the Treasury; but the Light-House Board informed the committee, upon inquiry, that this was not an indispensable light. The Board gave us a list of indispensable lights, provisions for all of which lights were inserted in this bill. I think it is a very important light, and I am willing that the amendment of the Senator from Virginia may go on the bill, if it will not be a precedent for putting on provisions for other lights.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

HOOR OF MEETING TO-MORROW.

Mr. ALLISON. I move that when the Senate adjourns to-day it be to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

MEMORIAL ADDRESS ON THE LATE REPRESENTATIVE CROFT.

Mr. LATIMER. I ask that the resolutions of the House of Representatives in relation to the death of my late colleague in that body may be laid before the Senate.

The PRESIDING OFFICER (Mr. KEAN in the chair). The resolutions of the House of Representatives will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 26, 1905.

Resolved, That in pursuance of the special order heretofore adopted, the House now proceed to pay tribute to the memory of Hon. GEORGE W. CROFT, late a Member of this House from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises to-day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. LATIMER. Mr. President, I offer the resolutions which I send to the desk.

The Secretary read the resolutions, and the Senate proceeded to their consideration, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. GEORGE WILLIAM CROFT, late a Member of the House of Representatives from the State of South Carolina.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the Senate shall, at the conclusion of these ceremonies, adjourn.

Mr. LATIMER. Mr. President, the great pressure of unfinished business upon the remaining time of the Senate, and the lateness of the hour, forbids a lengthy eulogy of the character and accomplishments of the late distinguished Member of the House in whose memory these exercises are held.

It is fitting, however, Mr. President, that we should pause for a moment to pay our tribute of respect to one who was, only a year ago, a fellow-worker with us. The passing away from the activities, ambitions, and hopes of this world of one and another of our friends and colleagues from time to time should give us pause and serve to turn our minds to a not far distant time when we too must lay down all that pertains to this life. We are too apt to forget our mortality in the strife for the rewards of the world, the attainment of ambitions, and the multitude of desires that cause men to care to live. The passing away of friends, an event inevitable, but nevertheless sad and sorrowful, should wrench our minds from these earthly endeavors and place them upon things not of this world, and in the contemplation of their characters and virtues, as well as their frailties and weaknesses, we should find examples to be emulated or pitfalls to be avoided.

Mr. President, there was nothing in the life and character of GEORGE WILLIAM CROFT, so far as I know or have heard the story of his life, which was not lofty and worthy of emulation. His life was one of brave and earnest endeavor to uplift himself and his fellow-men. He was born in Newberry County, S. C., on the 20th day of December, 1846, and died in this city, as a Member of the House of Representatives, March 10, 1904. He received his early education at the South Carolina Military Academy, from which school he was mustered into the Confederate army at the age of 16 and served until the close of the war. He then took a course of study at the University of Virginia for two years, and at the age of 23 was admitted to the bar and began the practice of his profession at Aiken, S. C., which was to be his home until his death. The principal achievements of Colonel CROFT were in his chosen profession. He became one of the leading lawyers of his State, and during the latter years of his life was engaged on one side or the other of nearly every important case in his section of the State. He was a man of strong character, who dared to do the right at all times, and who never swerved from the course pointed out to him by his conscience. He had a lovable disposition and was deservedly popular wherever he was known. This popularity and his well-known fitness and ability led to his election to the Fifty-eighth Congress.

His service in the House was very brief, yet during the time he was there he had laid the foundations for a useful and active career. He made friends easily, and by means of his engaging characteristics was building up a valuable asset to a successful career in the House—that of a wide circle of personal friends. He was also fitting himself by the acquisition of the

parliamentary knowledge and usage so necessary to a Congressional career. His was a steady, energetic, and unswerving purpose to do something for his country and his own fame, and there can be no doubt that, had he lived, he would have made himself strongly felt here, and that his political future would have been rewarded by the highest honors his State could confer upon him.

But these things were not to be. All his prospects were blighted and dissipated by his untimely taking off. He developed blood poisoning from an insignificant hurt, and after much patient suffering, and with a fortitude born of a strong spirit, he met his death without fear.

Mr. President, it is with much sorrow for the untimely death of my friend, and a heartfelt and sincere admiration for the many qualities and traits of character and disposition that made him loved by all who knew him and won for him distinction in his profession and honor among and from the people of his State that I move the adoption of the resolutions.

THE PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from South Carolina.

The resolutions were unanimously agreed to; and (at 10 o'clock and 36 minutes p. m.) the Senate adjourned until tomorrow, Thursday, March 2, 1905, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1905.

PROMOTIONS IN THE NAVY.

Commander William P. Day to be a captain in the Navy, from the 12th day of January, 1905, vice Capt. Charles M. Thomas, promoted.

Lieut. Josiah S. McKean to be a lieutenant-commander in the Navy, from the 12th day of February, 1905, vice Lieut. Commander Abraham E. Culver, promoted.

Lieut. (Junior Grade) James B. Gilmer to be a lieutenant in the Navy, from the 16th day of February, 1905, vice Lieut. Arthur T. Chester, resigned.

Commander Giles B. Harber to be a captain in the Navy from the 30th day of September, 1904 (subject to the examinations required by law), vice Capt. Jefferson F. Moser, retired.

Commander John B. Briggs to be a captain in the Navy from the 30th day of September, 1904 (subject to the examinations required by law), vice Capt. Giles B. Harber, an additional number in grade.

Lieut. Glennie Tarbox to be a lieutenant-commander in the Navy from the 28th day of December, 1904 (subject to the examinations required by law), vice Lieut. Commander Burns T. Walling, promoted.

Lieut. (Junior Grade) Hilary Williams to be a lieutenant in the Navy from the 1st day of January, 1905 (subject to the examinations required by law), vice Lieut. Kenneth G. Castleman, resigned.

Lieut. Joseph W. Oman to be a lieutenant-commander in the Navy from the 1st day of January, 1905 (subject to the examinations required by law) to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) Harry L. Brinser, Alexander F. H. Yates, and Edgar B. Larimer to be lieutenants in the Navy from the 1st day of January, 1905 (subject to the examinations required by law), to fill vacancies created in that grade by act of Congress approved March 3, 1903.

Lieut. Edward T. Witherspoon to be a lieutenant-commander in the Navy from the 12th day of January, 1905 (subject to the examinations required by law), vice Lieut. Commander James H. Sears, promoted.

Lieut. Commander Abraham E. Culver to be a commander in the Navy from the 12th day of February, 1905 (subject to the examinations required by law), vice Commander John C. Wilson, promoted.

Lieut. Commander Henry T. Mayo to be a commander in the Navy from the 21st day of February, 1905 (subject to the examinations required by law), vice Commander George P. Colvocoresses, promoted.

Lieut. Commander Charles C. Rogers to be a commander in the Navy from the 21st day of February, 1905 (subject to the examinations required by law), vice Commander Uriah R. Harris, promoted.

Lieut. Horace W. Jones to be a lieutenant-commander in the Navy from the 21st day of February, 1905 (subject to the examinations required by law), vice Lieut. Commander Charles C. Rogers, promoted.

P. A. Paymaster John D. Barber to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 21st day of February, 1905.

Asst. Paymaster David C. Crowell to be a passed assistant paymaster in the Navy from the 18th day of October, 1904 (subject to the examinations required by law), vice P. A. Paymaster John F. Hatch, promoted.

P. A. Paymaster Frederick G. Pyne to be a paymaster in the Navy from the 16th day of February, 1905 (subject to the examinations required by law), vice Paymaster Willis B. Wilcox, retired.

Asst. Paymaster James A. Bull to be a passed assistant paymaster in the Navy from the 16th day of February, 1905 (subject to the examinations required by law), vice P. A. Paymaster Frederick G. Pyne, promoted.

Pay Inspector Charles M. Ray to be a pay director in the Navy from the 18th day of February, 1905 (subject to the examinations required by law), vice Pay Director Leonard A. Frailey, retired.

Paymaster Thomas S. Jewett to be a pay inspector in the Navy from the 18th day of February, 1905 (subject to the examinations required by law), vice Pay Inspector Charles M. Ray, promoted.

P. A. Paymaster Frederick B. Colby to be a paymaster in the Navy from the 18th day of February, 1905 (subject to the examinations required by law), vice Paymaster Thomas S. Jewett, promoted.

Asst. Paymaster Frank T. Watrous to be a passed assistant paymaster in the Navy from the 18th day of February, 1905 (subject to the examinations required by law), vice P. A. Paymaster Frederick B. Colby, promoted.

Asst. Paymaster Arthur S. Peters to be a passed assistant paymaster in the Navy from the 19th day of February, 1905 (subject to the examinations required by law), vice P. A. Paymaster Gustavus R. Madden, resigned.

Assistant surgeons to be passed assistant surgeons in the Navy from the dates set opposite their names (subject to the examinations required by law), upon the completion of three years' service in their present grade:

Jesse W. Backus, from May 18, 1904.

George M. Mayers, from June 1, 1904.

Henry A. Dunn, from June 7, 1904.

Allan Stuart, from June 7, 1904.

Herbert M. Tolfree, from June 14, 1904.

Russell M. Young, from July 2, 1904.

Macomb K. Elmer, from July 18, 1904.

Louis W. Bishop, from September 28, 1904.

Ulys R. Webb, from October 11, 1904.

Charles M. Oman, from December 18, 1904.

POSTMASTERS.

COLORADO.

Paul M. North to be postmaster at Goldfield, in the county of Teller and State of Colorado, in place of Clinton B. Ault. Incumbent's commission expired June 5, 1904.

CONNECTICUT.

George E. Andrews to be postmaster at Noank, in the county of New London and State of Connecticut. Office became Presidential October 1, 1904.

FLORIDA.

Charles N. Hildreth, jr., to be postmaster at Liveoak, in the county of Suwanee and State of Florida, in place of Thomas S. Harris. Incumbent's commission expired December 20, 1902.

GEORGIA.

James L. Sibley to be postmaster at Milledgeville, in the county of Baldwin and State of Georgia, in place of James L. Sibley. Incumbent's commission expires March 1, 1905.

ILLINOIS.

John C. Adams to be postmaster at Peotone, in the county of Will and State of Illinois, in place of Addison B. Hallock. Incumbent's commission expired December 19, 1903.

INDIANA.

Moses E. Black to be postmaster at Eaton, in the county of Delaware and State of Indiana, in place of Joel W. Hamilton. Incumbent's commission expired January 31, 1905.

MASSACHUSETTS.

Francis D. Dunbar to be postmaster at Canton, in the county of Norfolk and State of Massachusetts, in place of E. Clinton Britton. Incumbent's commission expired February 11, 1905.

George H. Morgan to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts, in place of George H. Morgan. Incumbent's commission expired February 26, 1905.

NORTH CAROLINA.

Jasper Z. Waller to be postmaster at Burlington, in the county of Alamance and State of North Carolina, in place of Jasper Z. Waller. Incumbent's commission expired June 6, 1904.

NORTH DAKOTA.

Fred O. Brewster to be postmaster at Harvey, in the county of Wells and State of North Dakota, in place of Fred O. Brewster. Incumbent's commission expires March 2, 1905.

Levi W. Patmore to be postmaster at Drayton, in the county of Pembina and State of North Dakota, in place of Arthur H. Johnson, removed.

OKLAHOMA.

Wiley C. Shadden to be postmaster at Mangum, in the county of Greer and Territory of Oklahoma, in place of Wiley C. Shadden. Incumbent's commission expired January 31, 1905.

PENNSYLVANIA.

George Fox to be postmaster at Altoona, in the county of Blair and State of Pennsylvania, in place of Hambleton P. Wilson. Incumbent's commission expires March 2, 1905.

James E. Johnson to be postmaster at Barnesboro, in the county of Cambria and State of Pennsylvania, in place of James Barnes. Incumbent's commission expires March 2, 1905.

Joseph A. McClaran to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania, in place of Joseph A. McClaran. Incumbent's commission expires March 1, 1905.

Frank J. Over to be postmaster at Hollidaysburg, in the county of Blair and State of Pennsylvania, in place of Edwin R. Baldrige. Incumbent's commission expires March 2, 1905.

SOUTH CAROLINA.

James F. Hunter to be postmaster at Lancaster, in the county of Lancaster and State of South Carolina, in place of Belle Nance. Incumbent's commission expired May 26, 1904.

SOUTH DAKOTA.

Gottlieb Meisenholder to be postmaster at Parkston, in the county of Hutchinson and State of South Dakota, in place of Gottlieb Meisenholder. Incumbent's commission expired February 22, 1905.

Philip Schamber to be postmaster at Eureka, in the county of McPherson and State of South Dakota, in place of Philip Schamber. Incumbent's commission expires March 2, 1905.

TEXAS.

Gustave Cranz to be postmaster at Schulenburg, in the county of Fayette and State of Texas, in place of Gustave Cranz. Incumbent's commission expires March 2, 1905.

P. Karner to be postmaster at Mexia, in the County of Limestone and State of Texas, in place of James R. Neece, resigned.

Nora H. Kelly to be postmaster at Lockhart, in the county of Caldwell and State of Texas, in place of Nora H. Kelly. Incumbent's commission expires March 2, 1905.

Sidnan J. Overton to be postmaster at Alice, in the county of Nueces and State of Texas, in place of Sidnan J. Overton. Incumbent's commission expires March 2, 1905.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1905.

CONSUL.

Daniel W. Williams, of Ohio, to be consul of the United States at Cardiff, Wales.

DISTRICT JUDGE.

William H. Seaman, of Wisconsin, now serving as United States district judge for the eastern district of Wisconsin, to be United States circuit judge for the seventh judicial circuit.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Thomas H. Handbury, Corps of Engineers, to be colonel, with rank from February 16, 1905.

Maj. Dan C. Kingman, Corps of Engineers, to be lieutenant-colonel, with rank from February 16, 1905.

Capt. Francis R. Shunk, Corps of Engineers, to be major, with rank from February 16, 1905.

First Lieut. Horton W. Stickle, Corps of Engineers, to be captain, with rank from February 16, 1905.

Second Lieut. Richard C. Moore, Corps of Engineers, to be first lieutenant, with rank from February 16, 1905.

PROMOTIONS IN THE NAVY.

Surg. Eugene J. Grow to be a surgeon in the Navy from the 3d day of March, 1903.

Surg. Alfred G. Grunwell to be a surgeon in the Navy from the 3d day of March, 1903.

Surg. Cary D. Langhorne to be a surgeon in the Navy from the 3d day of March, 1903.

Lieut. Commander Burns T. Walling to be a commander in the Navy from the 28th day of December, 1904.

Lieut. (Junior Grade) Samuel I. M. Major to be a lieutenant in the Navy from the 1st day of January, 1905.

Lieut. (Junior Grade) Walter M. Hunt to be a lieutenant in the Navy from the 12th day of January, 1905.

Lieut. (Junior Grade) Alfred W. Johnson to be a lieutenant in the Navy from the 12th day of January, 1905.

Warrant Machinist Edward H. Campbell to be an ensign in the Navy from the 30th day of July, 1904, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended by the acts of March 3, 1903, and April 27, 1904.

Lieut. (Junior Grade) John E. Lewis to be a lieutenant in the Navy from the 1st day of January, 1905.

Lieut. (Junior Grade) John T. Bowers to be a lieutenant in the Navy from the 1st day of January, 1905, to fill a vacancy created by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) Richard D. White to be a lieutenant in the Navy from the 30th day of September, 1904.

Lieut. (Junior Grade) Roe W. Vincent to be a lieutenant in the Navy from the 12th day of February, 1905.

Capt. Albert S. Snow to be a rear-admiral in the Navy from the 21st day of February, 1905.

Lieut. Charles H. Hayes to be a lieutenant-commander in the Navy from the 21st day of February, 1905.

Lieut. (Junior Grade) Chauncey Shackford to be a lieutenant in the Navy from the 21st day of February, 1905.

Lieut. (Junior Grade) Ralph E. Pope to be a lieutenant in the Navy from the 21st day of February, 1905.

Boatswain Hugh Sweeney to be a chief boatswain in the Navy from the 8th day of June, 1904, after having completed six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904.

COLLECTOR OF CUSTOMS.

Lewis McK. Bell, of Virginia, to be collector of customs for the district of Alexandria, in the State of Virginia.

CONSUL-GENERAL.

Joseph W. J. Lee, of Maryland, now secretary of the legation at Panama, Panama, to be consul-general of the United States at Panama, Panama.

POSTMASTERS.

CALIFORNIA.

John M. Cheney to be postmaster at Sonoma, in the county of Sonoma and State of California.

John J. West to be postmaster at Willow, in the county of Glenn and State of California.

COLORADO.

Nellie R. Summers to be postmaster at Gunnison, in the county of Gunnison and State of Colorado.

CONNECTICUT.

James Graham to be postmaster at Taftville, in the county of New London and State of Connecticut.

GEORGIA.

Beverly B. Hayes to be postmaster at Wrightsville, in the county of Johnson and State of Georgia.

James L. Sibley to be postmaster at Milledgeville, in the State of Georgia.

IDAHO.

Charles H. Grete to be postmaster at Silver City, in the county of Owyhee and State of Idaho.

George L. Morgan to be postmaster at Mackay, in the county of Custer and State of Idaho.

IOWA.

Roscoe C. Saunders to be postmaster at Manilla, in the county of Crawford and State of Iowa.

Norman D. Anthony to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa.

ILLINOIS.

William O. Butler to be postmaster at La Harpe, in the county of Hancock and State of Illinois.

Wallace Diver to be postmaster at Dallas City, in the county of Hancock and State of Illinois.

Edmund P. Denton to be postmaster at Hamilton, in the county of Hancock and State of Illinois.

INDIAN TERRITORY.

Georgia Keeton to be postmaster at Marlow, in District Nine-teen, Indian Territory.

George W. Mellish to be postmaster at Comanche, in District Twenty, Indian Territory.

KENTUCKY.

Isaac N. Bryant to be postmaster at Corbin, in the county of Whitley and State of Kentucky.

LOUISIANA.

James S. Thomson to be postmaster at Lake Charles, in the parish of Calcasieu and State of Louisiana.

MARYLAND.

Leslie W. Gaver to be postmaster at Middletown, in the county of Frederick and State of Maryland.

MASSACHUSETTS.

Henry W. Dolliver to be postmaster at Whitinsville, in the county of Worcester and State of Massachusetts.

Henry J. Dunn to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts.

Lawrence Gibney to be postmaster at Blackstone, in the county of Worcester and State of Massachusetts.

Charles F. Reed to be postmaster at Whitman, in the county of Plymouth and State of Massachusetts.

MICHIGAN.

Alfred S. Follansbee to be postmaster at Ontonagon, in the county of Ontonagon and State of Michigan.

MINNESOTA.

Mary J. Dillingham to be postmaster at Granite Falls, in the county of Yellow Medicine and State of Minnesota.

Frederic M. Grinnell to be postmaster at Winnebago (late Winnebago City), in the county of Faribault and State of Minnesota.

MISSISSIPPI.

William J. Brigham to be postmaster at Tunica, in the county of Tunica and State of Mississippi.

Harvey E. Fitts to be postmaster at Aberdeen, in the county of Monroe and State of Mississippi.

L. Hilton Tubb to be postmaster at Amory, in the county of Monroe and State of Mississippi.

MISSOURI.

J. D. Bush to be postmaster at Marceline, in the county of Linn and State of Missouri.

James R. Dyer to be postmaster at Ash Grove, in the county of Greene and State of Missouri.

MONTANA.

Eugene R. Clingan to be postmaster at Belt, in the county of Cascade and State of Montana.

NEW JERSEY.

Elias B. Mott to be postmaster at Rockaway, in the county of Morris and State of New Jersey.

NEW YORK.

Thomas B. Lowerre to be postmaster at Flushing, in the county of Queens and State of New York.

Watson J. Matteson to be postmaster at Marcellus, in the county of Onondaga and State of New York.

NORTH CAROLINA.

Charles M. Hoover to be postmaster at Thomasville, in the county of Davidson and State of North Carolina.

Frances J. Reed to be postmaster at Biltmore, in the county of Buncombe and State of North Carolina.

OHIO.

Charles H. Ellis to be postmaster at Yellow Springs, in the county of Greene and State of Ohio.

Francis M. McKay to be postmaster at Logan, in the county of Hocking and State of Ohio.

Minor T. Vandervort to be postmaster at Loveland, in the county of Clermont and State of Ohio.

PENNSYLVANIA.

George Fox to be postmaster at Altoona, in the county of Blair and State of Pennsylvania.

John Francis to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

Aaron Hostetter to be postmaster at Hanover, in the county of York and State of Pennsylvania.

Harry H. Nichols to be postmaster at Girard, in the county of Erie and State of Pennsylvania.

Frank J. Over to be postmaster at Hollidaysburg, in the State of Pennsylvania.

Edward J. Stackpole to be postmaster at Harrisburg, in the county of Dauphin and State of Pennsylvania.

SOUTH CAROLINA.

James A. Davison to be postmaster at Blackville, in the county of Barnwell and State of South Carolina.

James F. Hunter to be postmaster at Lancaster, in the State of South Carolina.

John P. Little to be postmaster at Clinton, in the county of Laurens and State of South Carolina.

TENNESSEE.

William L. Green to be postmaster at Spring Hill, in the county of Maury and State of Tennessee.

Daniel W. Starnes to be postmaster at Lawrenceburg, in the county of Lawrence and State of Tennessee.

TEXAS.

James B. Seargent to be postmaster at Orange, in the county of Orange and State of Texas.

Ernest E. Smith to be postmaster at Guffey, in the county of Jefferson and State of Texas.

VIRGINIA.

E. A. de Bordenave to be postmaster at Franklin, in the county of Southampton and State of Virginia.

Stanley E. Moore to be postmaster at Crewe, in the county of Nottoway and State of Virginia.

WISCONSIN.

William W. Clarke to be postmaster at Milton, in the county of Rock and State of Wisconsin.

John B. Maloney to be postmaster at Kenosha, in the county of Kenosha and State of Wisconsin.

INTERNATIONAL SANITARY CONVENTION.

The injunction of secrecy was removed March 1, 1905, from an international sanitary convention, signed at Paris on December 3, 1903.

REPRESSION OF THE TRADE IN WHITE WOMEN.

The injunction of secrecy was removed March 1, 1905, from projects of a convention and an additional arrangement adopted on July 25, 1902, by the delegates of the various powers represented at the Paris conference for the repression of the trade in white women (*traité des blanches*).

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 1, 1905.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 16187. An act for the extension of Nineteenth street from Woodley road to Baltimore street;

H. R. 16917. An act to provide for condemning the land necessary for joining Kalorama avenue and Prescott place;

H. R. 18881. An act for the extension of Rittenhouse street, and for other purposes;

H. R. 15970. An act to amend section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902;

H. R. 16989. An act to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended;

H. R. 18589. An act to amend an act entitled "An act to establish a code of law for the District of Columbia;"

H. R. 18725. An act supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia and the acts amendatory thereof;

H. R. 17109. An act to define the limits of square 1131 in the city of Washington, D. C.;

H. R. 13094. An act for the relief of street-car motormen;

H. R. 14423. An act for the extension of T street, and for other purposes;

H. R. 18358. An act to authorize the Borderland Coal Company, of Nolan, W. Va., to bridge the Tug Fork of the Big Sandy River at a point about 2 miles east of Nolan, Mingo County, W. Va., where the same forms the boundary line between the State of West Virginia and Kentucky;

H. R. 18201. An act to amend sections 4418, 4480, and 4483 of the Revised Statutes, and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, all relating to the Steamboat-Inspection Service; and

H. R. 18196. An act to amend section 4405 of the Revised Statutes of the United States.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18197. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels;

H. R. 18196. An act to amend section 4405 of the Revised Statutes of the United States;